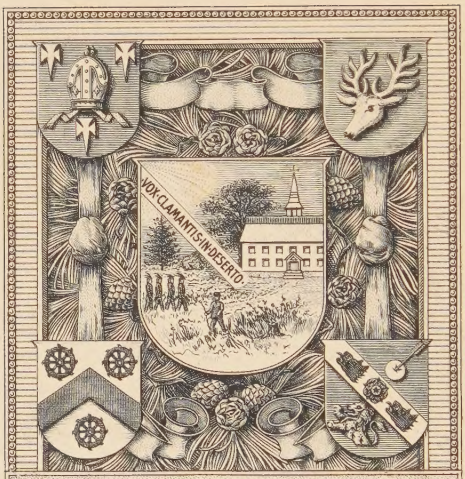
THE MODERN CITY AND ITS GOVERNMENT

WILLIAM PARR CAPES



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THE MODERN CITY *and* ITS GOVERNMENT

MUNICIPAL HOUSECLEANING

By

WILLIAM PARR CAPES and
JEANNE R. CARPENTER

The methods and experiences of American cities in collecting and disposing of their municipal wastes—ashes, rubbish, garbage, manure, sewage, and street refuse.

"This excellent compilation is strictly to the point."—*Boston Transcript.*

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THE MODERN CITY *and* ITS GOVERNMENT

BY

WILLIAM PARR CAPES

Secretary, New York State Conference of Mayors and Other City Officials;
Director, New York State Bureau of Municipal Information;
Co-author of "Municipal Housecleaning."

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PREFACE

THOUSANDS of men and women are now intensely interested in making municipal government in America effective and efficient. It has been the aim of the author in writing *The Modern City and Its Government* to share with these the information he has gathered and his observations and conclusions resulting from a comprehensive study of government in American cities and contact with city officials for the last fifteen years.

Most of the literature on city government in America has been written from only one viewpoint, either that of the critic of municipal administrators and legislators, that of the student who has had no practical experience in public office or that of the city official. This book endeavors to summarize all of these viewpoints, to analyze the claims of each and to draw constructive conclusion based upon experience in and out of public office and as the executive of an organization which is called upon daily by city officials to help them solve their manifold problems.

City government has undergone so many and radical changes during the last twenty-five years, the efficiency of public administration has made such rapid progress during the last decade, and the functions of municipal government have increased so rapidly, that the citizens of to-day, especially the women, find it difficult to grasp the true significance of the trend of municipal govern-

mental progress and to judge the merits of the multitude of conflicting claims. In the discussion of the essentials of good government, the responsibilities of citizenship, city charters, types of government, the management of public schools and the cost of government, the author has endeavored to inform the American electorate and to help simplify their study of fundamental urban problems by tracing the progress of each movement, by giving a constructive analysis of the existing situation and by pointing the general way to progress in the future as indicated by experience of the past and present.

I am greatly indebted to the following for their thoughtful and discriminating criticism of portions of the manuscript which they have been kind enough to read: Mayor George S. Buck, Buffalo, N. Y.; Charles W. Bacon, Author of *The American Plan of Government;* Clarence A. Bingham, City Manager, Watertown, N. Y.; Mayor Rosslyn M. Cox, Middletown, N. Y.; O. E. Carr, City Manager, Dubuque, Ia.; Jeanne R. Carpenter, Co-author of *Municipal Housecleaning;* Edwin J. Fort, City Manager, Niagara Falls, N. Y.; Mark Graves, Former Director, New York State Bureau of Municipal Accounts; Dr. Luther Gulick, Acting Director, National Institute of Public Administration; Wayne D. Heydecker, Director of Research, American City Bureau; Assemblyman Eberly Hutchinson, Special Joint Committee on Education, New York State Legislature; William E. Hannan, Legislative Reference Librarian, New York State Library; Commissioner John J. Merrill, New York State Tax Commision; Sedley H. Phinney, Secretary,

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WILLIAM PARR CAPES.

Albany, N. Y., January, 1922.

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THE MODERN CITY *and* ITS GOVERNMENT

THE MODERN CITY AND ITS GOVERNMENT

CHAPTER I

MODERN CONCEPTION OF GOOD GOVERNMENT

IMPORTANCE OF CITIZEN INTEREST—MAKING CITY GOVERNMENT REPRESENTATIVE—TYPES OF CITIZENSHIP—QUALIFICATIONS OF PUBLIC OFFICIALS—CHANGING ATTITUDE OF PUBLIC—OFFICIALS' NEW CONCEPTION OF PUBLIC DUTIES—EFFECTS ON PUBLIC SERVICE—IMPORTANCE OF THE CITY CHARTER

WHEN city government carries out the will of the people accurately, efficiently and economically, it will have reached the goal for which American municipalities have been striving since the first colonial borough charter was granted. One writer has described the twentieth century conception of good government as "trying to do well the things which the people of the community want to have done." To obtain and retain this perfection in the government of our municipalities continuous and intelligent citizen interest, official capability and an effective charter providing a simplified plan of organization are necessary. These are placed in the order of their importance.

Many persons interested in the betterment of city government would reverse this order. It is this group of citizens which is responsible for so much of our American charter tinkering and kaleidoscopic changes in municipal governmental organization. These think that the right kind of a charter, which provides an effective plan of governmental organization, will produce official capability, and, therefore, only sporadic citizen interest is necessary. They would rely on laws to make government good, ignoring the fact that civic interest and brains cannot be produced by legal enactment. They beguile themselves with the illusion that government can be made a self-operating mechanism and that they can be relieved of civic responsibility after they have voted and paid their taxes. As expedient after expedient fails, they reach out for others, and thus the phantom chase continues until the series of failures brings to a sufficient number a realization that the responsibility for good city government rests equally upon the citizen and the official.

In our effort to improve municipal service, we have been emphasizing too much the responsibility of the public official, and thinking too little about the responsibility of the citizen. "City government's past inefficiency may be largely attributed to citizen and official tolerance of conditions demanding government actions," writes Henry Bruère,* "and the consequent low public expectations of government service. City government acquires efficiency when the public, or a sufficient number of effective citizens, have definite expectations of

*From *The New City Government,* by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

governmental service which inefficient government disappoints."

For a time at least it is possible to obtain good city government under a poor charter and with a minimum of citizen interest, provided the officials happen to be capable, but such a condition is invariably short-lived. Citizen interest is needed to make known to the public official the will of the people and to hold him to account for his official acts; and an effective local constitution, or charter, to give to the public servant the power to carry out that will in an efficient and economical way.

The city is the laboratory of representative government. There it is put to the severest test, for it is with municipal government that the people come most directly and continuously in contact; it has most to do with the comforts and conveniences of their lives, and for its maintenance they make the largest contributions. If city government breaks down, all others under which we live — federal, state and county — are impaired, because the city is the agency upon which these depend for the effective operation of many of their functions. "Municipal institutions constitute the strength of free nations," says De Tocqueville. "A nation may establish a system of free government, but without municipal institutions it cannot have the spirit of liberty."

There are many who still believe that our municipal governments will remain representative only as long as the people elect the greater number of their public servants. To them the elected official is the symbol of municipal democracy. They, therefore, oppose any movement for a concentration of authority and the

short ballot principle. It is this group which limits its activity and interest in municipal government to voting on election day and paying taxes. The duty of the citizen does not, however, end there, and the more quickly we get this idea fixed in our minds, the more rapid progress will government make.

Municipal officials are not rulers, they are servants. They are selected by the people to *represent* them, to carry out their will within the bounds prescribed by the State.

It makes no difference how many officials the people elect. As long as they are responsible and accountable to the public will, government remains representative whether it is conducted by one or a dozen elected officials. However, in order to be truly representative, the public official must know the will of the people, otherwise he cannot carry out their desires and must necessarily rely upon his own judgment. The responsibility for making government representative, therefore, rests upon the desire and the ability of the people to express their will and to hold public servants strictly to account for interpreting and carrying out that will. Civic interest, therefore, is indispensable in making government representative and democracy a success. However, much depends on how this interest is exercised.

There are many who think that the benefits of government are inexhaustible and cost nothing. They interpret good government as more government. As Henry Bruère correctly said:* "They give more attention to what a city does than to how it does it. More

*From *The New City Government*, by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

pressure is applied to extending service and to introducing new practices than to tuning up present practices and promoting efficiency in existing activities." If they had their way, administration would never have an opportunity to catch up with legislation.

There is another group whose standards of living are far above the average standards of the community. They are continually forging ahead of public opinion and seeking to force upon the public policies or activities about which the community at large has little knowledge or the cost of which is beyond the ability of the average citizen to help meet. "To be at its best," says C. E. Rightor, "a government must have the confidence and support of the people at all times. The only way to get this is through having a continuing interest based on a knowledge of city affairs in general."

Still another group exists whose interest in city government is purely selfish. This is by far the largest and most active group. In it are those who place partisanship above community interest. Anything is good to them as long as they share in the benefits and not in the cost. Any law or policy is right which results in profit to them, no matter how great may be the burden it places on others. Until a governmental act interferes with their personal liberty or desires, they either acquiesce or remain passive. Discussing the quality of citizenship needed in American cities to-day, ex-mayor Herman C. Baehr of Cleveland, O., said: "A man may labor quietly in his chosen field and never be known to the public generally and still be the very best kind of a citizen. He may be engaged in the very lowliest kind of work, but if he does that work with the very best

of his ability, and labors not alone for his own material welfare, but with the ultimate aim of helping others, he is a good citizen. If he works for himself alone with no thought for others, he is not and cannot be a good citizen. In my opinion, unselfishness is the very foundation of good citizenship and good government."

Citizen interest, which government needs to make it good, should be tempered with justice and unselfishness, based on as thorough a knowledge of controlling facts and conditions as it is possible to obtain, and exercised through coöperation with public officials, suggestion and educational publicity. It has been truly said that government by impression, impulse and coercion, either by public officials or citizens, is as detrimental to the public well-being as is corrupt government.

To put the will of the people into effect efficiently and economically, honest and capable public servants are necessary. These may be divided into three groups, corresponding with the three main divisions of city government, administrative, legislative and judicial. Those in the first group need a broader training and more technical skill than the officials in the other two groups, as they administer the public affairs of the municipality. Upon them depends the degree of efficiency with which the will of the people is carried out. They comprise the public officials who can and should apply the best business principles and practice to government, for they are responsible for the operation of the numerous and complex public services. The legislative group interprets the will of the people, determines municipal policies and makes the local laws. It is deliberative. The judicial

group is composed of the judges of the local courts. It enforces the law and punishes crime.

The attitude of the public toward municipal officials and that of the public official toward municipal office has been undergoing gradual but important and wholesome changes during the last few years.

Only a decade ago, most municipal officials were regarded with suspicion. Hardly had an official taken office when his constituents began to distrust him. Although they held him responsible for the proper interpretation of public will and the administration of the affairs of the community, they refused to grant him the necessary power to carry out their will. This attitude was perhaps due to the fact that plans of government did not permit as direct official accountability to the people and as unified responsibility as many of them now do. The public mind was satiated with confusion and misunderstanding. Although far from being eliminated, this unsatisfactory attitude has been gradually changing until now, under the newer plans of government in which responsibility and accountability are fixed, public opinion is as liberal in the grant of power to public administration as it once was niggardly.

The modern idea of effective control of public officials is concentrated responsibility and strict accountability. Instead of hampering public officials with restrictive laws and regulations and by withholding needed power, modern municipal charters and statutes make the degree of efficiency of public service depend upon the capacity of the public servant and give to the people the opportunity accurately to place the responsibility and to reward or punish. Such a relationship

between the servant and the served is more satisfactory and fairer to those in public office and productive of better service. "There can be good government under a bad system or bad government under a good system," according to W. W. Wise. "The result will depend entirely upon the men, as good men will produce good results under the worst system and bad men will produce bad results under the best system."

Still another change is the emphasis now being placed on efficiency in public service. The public no longer regards honesty as the chief or only qualification of a candidate for public office. The thread-worn pledge of honesty and economy has been forced by the public demand for efficiency to take a second place in campaign oratory and in the qualifications for public office. Municipal audits, comprehensive budget systems and improved accounting are effective weapons against dishonesty in public service. Eugene M. Travis, former comptroller of New York State, is responsible for the statement that "fewer shortages are found in the accounts of cities than in any other class of municipal corporations."

Unification of responsibility, simplification of governmental organization and direct accountability are making corruption and violation of law by municipal authorities practically impossible for any length of time without detection. Economy, the kind that yields the greatest return at the least expense, is generally assured by efficient effort. The worst obstacle with which cities to-day have to contend in their strife for good government is inefficiency in public service. And even that is being gradually but surely eliminated by the necessary

public demand for officials who have technical knowledge and experience. At the same time more and better service is eliminating from municipal payrolls persons who heretofore have regarded municipal office as a sinecure. The awakening of American municipalities is described by Newton D. Baker as follows: "The misgoverned city with its extortions and exactions, its undeserved despairs and its greatest masses of hopeless people, seemed but a few years ago to be an inevitable consequence of our industrial progress; but suddenly the light was let in and the progress of American cities in the last twenty years, in strength of general purpose and in the effective reorganization of the processes of community coöperation, is probably the most significant political development in recent American history."

To this changed public attitude toward the municipal official is in part due the new conception which the public official now has of his municipal duties. Municipal office is gradually being stripped of the pomp which attended it in earlier days. The feeling that the ruler has toward the ruled is slipping away. Municipal office is now being regarded as an opportunity, not to exert power over the citizenry, but to do public service. Pomp and ceremony are being minimized and service emphasized.

Instead of regarding himself and being regarded as one who rules, the municipal official of to-day, more than at any time in the past, conducts himself as an agent and believes that his chief public duties are to assist in the correct solution of those numerous and perplexing problems that confront every community. He no longer waits for public opinion to force him to per-

form specified duties; he is active and alert in seeking and pointing out community ills and advancing coöperative efforts to eliminate them. He no longer is content with the *laissez faire* attitude of his quite recent predecessors, but is constantly in search of suggestions and plans which will make the community he serves a better place in which to live, to work and to play.

Because of the emphasis which advocates of the newer plans of governmental organization have been placing on the analogy between municipal and business corporations, the administrative officials now hold in the public mind positions analogous to the directors and managers of industrial and mercantile concerns. Unfortunately we are still somewhat confused about the duties and importance of the legislative official because of the yet prevalent interrelation of administrative and legislative functions. Since the world war, lawlessness has had an alarming increase, and the judiciary has faced a serious problem in dealing out justice. The judiciary has met this unprecedented condition in so apt a manner that our respect for it remains generally sound and uncompromising.

This change in attitude by the incumbent of public office toward his public duties is having a powerful influence for good on public service. It is changing both the character and methods of government. Because of it, political organizations and leaders are beginning to realize that the degree of organization influence among urban citizens depends no longer on the machinery or on the patronage the organization or party can control, but on the kind of public service it can and does produce. Political leaders are more and more recognizing the

fact that good government is their organization's chief asset, and that inefficient or perfunctory public service is a liability. And municipal officials who a few years ago were grasping for patronage, believing that it was their chief political asset, are now beginning to shun the responsibility for appointments and public purchases.

The charter, the third basic essential of good city government, is important, but it is not a cure-all for municipal ills as many still believe. It can make possible, but cannot guarantee good government. It provides only the opportunity. Citizen interest and public servants produce wise government.

When the charter provides for an adequate grant of power, an effective plan of governmental organization and correct governmental standards to be maintained, it has done about all it can do to make municipal government good. All of these are equally important. The first and the last are practically non-controversial. The type of organization, however, is one of the most discussed phases of municipal government. All modern charters, nevertheless, are aiming toward a plan which provides for a simplification of machinery, concentration of power and responsibility and direct accountability of policy-executing and policy-making officials. By power is meant authority to carry out the will of the people. Responsibility is the act of complying with that will. Accountability is the state of being liable for official acts. In the formulation of a plan of government experience has found it necessary that the needs of both the people and the public official must be recognized. Too often those of the former are forgotten.

The most effective type is that which makes it possible (a) for the people to select as easily and intelligently as possible those who are to serve and to hold them accountable for their official acts, and (b) for the public official correctly to interpret and to make effective public desires efficiently and economically. Such a type makes it possible for a city to have representative and efficient government. It, however, does not assure it.

Recognition of the fact that city government can be made good by the citizen and the official each knowing the importance of and accepting equal responsibility, and that it is good when it correctly interprets and efficiently carries out the public will, is making the movement toward the ideal community easier and more rapid than ever before.

The formula for good city government is much simpler than most of us have believed it to be,—and it is not secret. We have spent so much time and energy in our effort to procure it, however, that many believe we have been chasing a phantom. We have only to blame ourselves for this fruitless search. Our method of approach has been wrong. We have been trying to make government good by law rather than through men. "Good and wise people can get along better with bad laws," Brand Whitlock once wrote, "than bad people can get along with good and wise laws. The people are everything." Walt Whitman expresses a similar thought in these words. "The greatest city is that which has the greatest men and women. It may be but a few rugged huts; it is still the greatest city in the whole world."

No matter how many short cuts we may seek or devise, in its final analysis the basis of good government is enlightened and alert citizenship. It is, therefore, vitally important for the citizen to know and to be kept informed about community needs and official acts.

CHAPTER II

MAKING CITIZENSHIP EFFICIENT

IMPORTANCE OF CIVIC EFFICIENCY—CHANGING CONDITIONS RESULTING FROM COMPLEXITY OF URBAN LIFE—MUNICIPAL BALANCE SHEET AND PROSPECTUS—CITY'S GOOD AND BAD MUST BE KNOWN—TEST OF CIVIC EFFICIENCY—OVERCOMING IGNORANCE IN PUBLIC AFFAIRS—MUNICIPAL WELFARE MOVEMENT—DUTY OF PUBLIC OFFICIAL—IMPORTANCE OF COÖPERATION

However conscientious may be the effort of a public official accurately to gauge and make effective the will of the people, he cannot fully succeed unless the citizens intelligently coöperate with him by making known their wants. Good city government can be as severely handicapped through indifferent citizenship as through apathetic administration. "Service to the community should be the ear mark of citizenship," Herbert Hoover has said. "We have gone on these many scores of years elaborating upon the privilege of American citizenship; but . . . we have had little attention directed to the obligation of citizenship itself. Citizenship . . . is an obligation, not a privilege." Citizens, however, cannot exercise that obligation effectively if they are ignorant about their government and the community in which they live.

No matter how efficiently a public official may put the will of the people into effect, the best interests of the community will not be served, unless that will has been founded on a correct understanding of the community needs backed by a knowledge of how best those needs can be supplied. An ignorant citizenship is as detrimental to good city government as are ignorant officials. Ex-Governor Judson A. Harmon, of Ohio, once described a good citizen as "one who is willing at all times to make some sacrifice of his time, means and convenience to advance the common welfare, and has such an abiding interest in this that he is always watchful and needs no urging to do his duty." Ignorance about matters pertaining to public welfare cannot exist in a community composed of citizens with these qualifications. To be efficient in citizenship, therefore, a citizen must be interested in and enlightened on municipal affairs.

Complexity of urban life, resulting from the development of industry, has forced upon us the need of serious thought relative to civic efficiency. Twenty years ago the average municipality had little need to trouble itself about housing conditions, because there was no general congestion or indication of such a condition; about public recreation, because then the laws and customs did not grant so much leisure to the people as they now do; about city planning, because then urban growth was not so rapid and the conditions were not so complex as they now are; about the regulation of traffic, because the automobile was at that time not so generally used for pleasure and business as it now is, — and so on through the whole list of important municipal activities. Evils resulting from municipal conditions either were not

then apparent or did not exist; therefore, the effects either were not appreciated or could not be foreseen.

The increase in the number and size of our cities within the last two decades has been so rapid and great that we have not been able to keep pace with the necessary readjustment, to check up our accomplishments and to inform ourselves about present conditions and future needs. This is especially true since the beginning of the World War.

We have been like a merchant whose business has increased suddenly by an unforeseen shift of conditions and who in his efforts to supply immediate demands has not had time to take stock of what he has been doing, what the present condition of his business is and what he must do to supply future demands. We have been rushing along in a helter-skelter fashion, forgetting yesterday, thinking only about to-day and trusting that to-morrow will take care of itself. We, therefore, lack a balance sheet and a prospectus. Without these, ignorance of what we have and what we have not, of what is good, and what is bad, has thriven among the citizenry. In many instances chaotic public opinion has been created resulting in much inefficiency and extravagance in the administration of municipal affairs.

Before a city can progress or be governed efficiently it must know its good and its bad. It is not enough that the public official should know these things.

Every citizen should understand what his city has and what it has not. Unless he does know, he is not ready either to pass on official acts, to help select public servants or to join in movements affecting community interests. "However much a community may desire

good government," says Henry Bruère,* "and however sensitive it may be to bad government, it cannot act wisely day in and day out on governmental matters without information on government acts and results." Many a meritorious project has been lost or unnecessarily delayed by citizen ignorance. Conversely, not a few schemes detrimental to the best interest of the community have been approved and carried out for the same reason. In what an absurd position is a citizen who goes to the polls on election day and helps to select the public servants without knowing even in a general way the duties of the offices to be filled, how efficiently operated are the community services the officials are to manage, or the community needs public servants should supply.

Suppose every citizen of a city were required, before he could vote, to pass an examination embracing such general questions as are necessary for any one to answer when making a city survey. How many could pass such a test of civic efficiency? Here are some of the questions that should interest every citizen:

What products are manufactured in your city,—what are your industrial advantages,—and how can they be increased, fostered and utilized? What moral forces are at work and what progress are they making for the spiritual welfare of the citizenship; is the field overfull or is it in need of more laborers,—are they working together harmoniously and coöperating actively with the other forces that make for better citizenship? What are your public officials doing to administer the muni-

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cipal affairs honestly and efficiently? Are their difficulties and obstacles to be overcome appreciated? Do you know what the city is doing to protect the people's health and property and to increase their comfort? Do you understand the pressing municipal needs? Are the people of your city watching, — criticising, — encouraging, — coöperating with their public officials? If not, why? Are your municipal improvements planned with any definite end in view or is your city plan a haphazard one? What are the social problems in your city? What is being done to solve them? Is the work in this field constructive? Is there duplication of effort? Are the social standards of the community being elevated? If not, what facilities are lacking? Is there opportunity for commercial expansion in your city? Have your merchants real faith in the stability of your town? Are they meeting public needs? Are they hampered in any way? Is your city doing all it can to reduce the death rate? If not, what more can be done? Are you protected against plague and prepared to fight an epidemic? Is your food supply right? Are your housing conditions what they should be? Are there proper and sufficient public facilities for play?

How many citizens of any city have given any serious thought to even the few problems these questions suggest? The percentage that would fail to pass such a test should serve to emphasize the truth and redouble the force of the statement that we have been neglecting the most important factor,—citizenship,—in our endeavor to perfect government.

"I shall be guided by public opinion," is a comment that officials often make when facing a perplexing prob-

lem. How can officials expect or citizens give intelligent counsel unless the people know the real forces,—latent and active,—within their cities that make for or against the well-being,—moral, physical, commercial, industrial and political,—of the citizen? The people must be informed before they can be consulted about public affairs. "Before he can vote, he must hear the evidence," says H. G. Wells.* "Before he can decide, he must know . . . Votes in themselves are useless things. Men had votes in Italy in the time of Gracchi. Their votes did not help them. Until a man has education, a vote is a useless and dangerous thing for him to possess. The ideal community toward which we move is not a community of will simply; it is a community of knowledge and will, replacing a community of faith and obedience."

How is ignorance in public affairs to be overcome? There is no more effective, no quicker way, than the development of municipal consciousness. This can best be fostered by making citizens acquainted with municipal conditions; by knowing their city. Campaigns of "knocking" and condemnation will not develop it. Such campaigns give birth to antagonism and hinder progress. The most effective way is not to condemn, but to explain the good and the bad together, to suggest constructive remedies for the bad and to commend the good. Such a policy furthers coöperation without which no movement for municipal betterment can succeed.

An administration that works at cross purposes with

*From *The Outline of History,* by H. G. Wells. Used by permission of The Macmillan Company, publishers; copyright 1920.

the people it is representing cannot make much headway. Conversely, a community that fails to help its representatives through ignorance slackens its progress. "A city government with a mayor constantly pulling one way and the common council another, may furnish an interesting vaudeville spectacle, but it fails in its purpose as far as doing what it was created for. Manifestly the same thing is true when city officials are headed in one direction and the people, whose best interests they are supposed to advance, are making in another."*

Without coöperation there cannot be true progress, and without a clear understanding of all the facts and conditions about a community and its government, there cannot be coöperation.

What then must be done to supply the community balance sheet and prospectus and the fact basis for municipal policies and the solution of city problems? One suggestion which should be given more consideration than it has received, is the municipal welfare movement recommended by the mayors of New York State a few years ago.

Briefly the movement consists of the organization in each city by the mayor or some civic body of a committee of thirty persons, this committee to be divided into six sub-committees of five members, each to take charge of a one-day program, dealing with a particular phase of municipal life. In this way a campaign lasting a week can be carried out with great vigor and without imposing upon anyone any great responsibility or

*Hon. Frank D. Blodgett in Fourth Proceedings of New York State Conference of Mayors and Other City Officials.

arduous work. One committee might have the responsibility for arranging a moral welfare program, another for promoting an education day, a third for an industrial welfare program, a fourth, fifth and sixth to inform the people about what has been done and what needs to be done to promote and protect commercial, civic and social welfare. It is suggested that one day devoted to the consideration of each of these phases of community life at luncheon conferences and mass meetings, by means of discussions and addresses, would bring out information and ideas from which could be prepared a municipal balance sheet and a comprehensive prospectus. To do this work it is suggested that each sub-committee should prepare a report summarizing the addresses and discussions at the meetings it had arranged, and incorporate recommendations to meet future needs. The whole committee could prepare from these reports a comprehensive, practical municipal welfare program for the information of the public and the guidance of their officials.

Such a movement offers to all the opportunity both to teach and to learn. The campaign itself and its accumulative results should have a far-reaching effect. By bringing to light fulfilled municipal needs, it will show the people not only what progress has actually been made by the city to promote the well-being of the citizens, but also what must yet be done in order to progress sanely, and the relative importance of the various needs.

We must have accurate knowledge of what our city has done and of existing conditions before we can act intelligently on an effective program for the future.

The suggested movement by the New York State mayors, if thoroughly worked out, will supply this information. It not only will kill the microbe of municipal discontent by eliminating ignorance about past efforts and present conditions, but also will lay a foundation for intelligent future action and thereby destroy that other noxious germ in our municipal life—uncertainty. Finally, such a movement should get public officials and their constituents together on a coöperative basis by making each appreciate the aims, needs and desires of the other and by quickening the interest of all citizens in municipal affairs.

The city administration should take the lead in such a movement, as well as in all others for the education of the citizen in public matters. Every avenue of publicity should be utilized by it to get the facts about community activities and needs before the people. "All the steps taken to develop efficient government," says Henry Bruère,* "provide as well for advancing the efficiency of citizens in their dealings with government. For most citizens having their livings to earn, contact with government facts must either be confined to some special line of activity or must be a vicarious contact established through a civic agency. Whatever intelligence the average citizens will have regarding the details of government will continue to be gained either from personal observation of physical conditions, from newspaper accounts, or now and then from reading departmental or special reports. When a fact basis for information regarding city business is developed, newspapers

*From *The New City Government*, by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

will provide facts instead of gossip, hearsay or scandal." Every official owes it to the city he is serving, no less than to himself, to help the people he represents to know their city and its government and to arouse them to a realization of their responsibility. A well informed constituency is a public servant's greatest help; an ill informed one is his greatest hindrance.

The ingratitude of republics is proverbial. Many officials have been led by experience to believe that this applies as well to cities as to republics. There are few men in public life who have not put forward and advocated some meritorious and needed plan only to have it either defeated or criticised so severely that it could not succeed. When such a situation develops, it may be attributed to at least one of three causes: ignorance on the part of the people as to the city's real needs, lack of public vision about municipal possibilities, and suspicion of the motives of the sponsors. All of these can be eliminated by the development of a true civic consciousness.

Civic organizations, such as chambers of commerce, boards of trade, city clubs, women's clubs, rotary clubs and kiwanis clubs should be other important factors in promoting efficient citizenship. By studying and disseminating through the various channels of publicity what they learn, they can assist materially in supplying the needed link between public officials and their constituents,—coöperation. They can help the people to a real knowledge of their city, aid in promoting programs for future activities based upon past accomplishment and present conditions, and lessen ignorance upon which discontent and suspicion feed and flourish.

Ignorance of municipal conditions that vitally affect the welfare of our urban population is in a great part responsible for the unrest that many American cities are experiencing and that many more will experience unless intelligent action is taken to bring the people to a realization of their civic responsibilities. No phase of municipal life,—moral, civic, social, political, commercial or industrial—has escaped or will escape the effect of this disturbing ailment. Although communities may present an appearance of tranquillity, microscopic examination of their heterogeneous population will reveal here and there microbes of restrained dissatisfaction and uncertainty that for lack of virility and numbers have not yet produced outward signs to indicate internal trouble. Nevertheless, ignorance, a most insidious force, is constantly at work multiplying these microbes that produce discontent, dissension and indifference. If permitted unmolested to breed, these, before we realize it, will weaken our whole political structure by infecting its foundation—the municipality.

This foundation can be protected by getting public officials and their paymasters together on a coöperative basis and making each appreciate the aims, needs and desires of the other, by quickening the interest of all citizens in municipal affairs, and by bringing unfilled municipal needs to light as well as by proving the usefulness and the economy of complete study of exact facts as a basis for intelligent and therefore practical action. The responsibility for promoting and fostering efficient citizenship rests equally upon the public official and the citizen acting either individually or in groups.

Efficient citizenship produces an intelligent public

will, which, if interpreted correctly and put into effect efficiently and economically, results in good government. The responsibility for interpretation and administration, however, rests squarely on the capability of the public official.

CHAPTER III

MAKING MUNICIPAL OFFICIALS EFFICIENT

RESPONSIBILITIES OF PUBLIC SERVANTS — ESSENTIALS OF SERVICE—NEED FOR ADEQUATE POWER—TRAINING FOR PUBLIC SERVICE—EDUCATIONAL WORK BY RESEARCH AGENCIES AND CIVIC ORGANIZATIONS—MUNICIPAL LEAGUES AND THEIR FUNCTIONS — MUNICIPAL REFERENCE LIBRARIES — BUREAUS OF INFORMATION—NEW YORK STATE'S CLEARING HOUSE OF MUNICIPAL INFORMATION—ITS WORK AND ACHIEVEMENTS

No head of an industry or commercial enterprise, no professional man, in fact no private citizen in any walk of life, is called upon to face, and to take responsibility for deciding such a wide range of questions as are the officials of an American city. The activities of the departments, bureaus and divisions which they control include a wide variety of undertakings and public businesses, and questions of public policy involved in the enactment of ordinances and local regulations affect the well-being of the people of the city in innumerable ways. The importance of making and keeping municipal service efficient, therefore, cannot be over-estimated or overemphasized.

To be efficient, municipal service must carry out the

public will in such a way as to produce maximum results at the least expense. The responsibility for accomplishing this is placed on the city official. Nevertheless, unless he has the necessary power to do efficiently the things the people want, he cannot make that responsibility effective. The first essential of efficient service, therefore, is power. But even with unlimited power an official who lacks knowledge, judgment, energy, courage, initiative and consideration, cannot be an efficient municipal administrator or legislator. The second essential, therefore, is official capability.

The efficiency of a public official depends to a great extent upon his knowledge of municipal affairs and his facilities for procuring information. To have only the theories of government and the principles of administration does not suffice. He must be kept informed about what other cities are doing, the success or failure of experiments by other administrations, the experiences of other municipalities in solving problems similar to those confronting him, legislation, new laws, court decisions, state and federal department rulings affecting municipal government, new ideas and plans of other city officials, and efficient practices.

For seven years after the city officials of New York State had organized, discussions at their annual meetings plainly showed dissatisfaction was rampant because comparatively few results had been obtained for the amount of energy they had put into their work. Not until a comprehensive study had been made by the officers of their organization did these officials comprehend the real causes for their slow progress. A lack of knowledge about the multitude of city problems, in-

sufficient time to gather and collate the information they needed to solve these problems, a dearth of facilities to ascertain where the needed data could be obtained, and very little opportunity for training in and for public service,—these were found to be the barriers which every conscientious public official found himself unable to surmount.

In America we have a large number of organizations and agencies working with and for public officials to eliminate these obstacles and to make municipal service more efficient. These may be divided into four groups, namely, those whose chief function is to train persons for public service, those which study the needs of cities and make suggestions, those which bring city officials and experts together for discussion of municipal problems and interchange of ideas, and those which supply information about municipal activities.

Training men and women both in and for the public service has not been undertaken in America as thoroughly and on as large a scale as the needs require. Some universities have begun to see the social obligation resting upon them and are offering courses in training for public service, but for the most part these as yet are neither filling the demand nor meeting the need for this particular kind of training. John Purroy Mitchell, when mayor of New York City, summarized the reason for this unfortunate situation when he said: "Field work, the experience gathered by day-to-day contact with the business facts of government, can alone thoroughly equip the man whose general education and training have already supplied the preparatory equipment. Without them a man may learn theories of gov-

ernment and the prinicples of administration but will lack the experience and training without which efficiency in service cannot be achieved."

Until there is greater coöperation between educational institutions, which are attempting to train men for public service, and public officials, who are close to the facts, and until there are open more opportunities for field work, these agencies will not contribute what they can and should to raising the standards of municipal service. Some bureaus of municipal research and a few other agencies are attempting to train for public service with field work as an essential, but either their facilities are so limited or their undertakings are so recent that they have not as yet made much of an impression. The greatest existing training school for public service is the public service itself. Its opportunities and obligations, however, have as yet not been fully realized, and as a result there are few communities in which schools and classes have been organized in the service.

In the second group of agencies are bureaus, institutions and commissions of municipal research and public efficiency supported by groups of citizens, chambers of commerce and many other civic organizations. These differ from bureaus of information, which will be explained in another group, in that they give advice and make recommendations in addition to studying local problems. Most of them depend upon the public opinion they create to force city governments to adopt their programs and suggestions. Such a policy usually engenders a spirit of antagonism and destroys coöperation. There are a number of these agencies, however,

which do coöperate with public officials and their work invariably is very effective.

In one of its reports the Toronto Bureau of Municipal Research describes itself as "a voluntary association of citizens, the chief aim of which is to promote informed citizenship, and, through this, desirable conditions of community life." It describes its methods as follows: "First, it ascertains the facts regarding any particular problem of citizenship. Next, it analyzes, classifies and arranges these facts so as to show their relation with one another. Finally, it publishes the facts in clear, simple form so that he who runs may read, and reach reasoned and reasonable conclusions based on the facts. The best results of the Bureau's work must always be intellectual and spiritual, brought about by the slow processes of education. The finest results of education may be observed but cannot be weighed."

Among the American cities in which privately supported bureaus of research and kindred agencies are operated are: Akron, Ohio; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Dayton, Ohio; Detroit, Mich.; Indianapolis, Ind.; Milwaukee, Wis.; Minneapolis, Minn.; New York City; Philadelphia, Penn.; Rochester, N. Y.; St. Paul, Minn.; San Francisco, Cal.; Toronto, Canada, and Yonkers, N. Y.

The mobilization of those municipal forces which make up the third group began about two decades ago and has gone steadily forward until now America has about fifty municipal leagues,—national, state, interstate, and intra-state,—and a large number of associa-

tions composed of and representing various groups of municipal officials.

The United States has three national municipal organizations and Canada one. They are the National Municipal League, The League of American Municipalities, The American Society for Municipal Improvements and the Union of Canadian Municipalities. The membership of two of these is confined exclusively to city officials.

Many states have organized their municipalities into leagues or kindred bodies. Among these are: Alabama, Connecticut, California, Idaho, Iowa, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Minnesota, North Carolina, New York, Nebraska, New Jersey, New Mexico, Ohio, Oklahoma, Texas, Utah, Virginia, Washington and Wisconsin. The membership of some of these is not confined exclusively to municipal officials. With the exception of the New England states, all sections of the United States have quite thoroughly organized their municipalities, those states which have not yet established leagues being scattered. In some of these, however, the seed of coöperation has already been planted by the organization of either inter-state or intra-state associations, such as the Association of Commission Governed Cities of South Dakota, League of Third Class Cities in Pennsylvania, North Idaho Municipal League, Mayors' Association of South Atlantic and Gulf States, and the Cloverland Association of Municipalities, embracing the cities of upper Michigan, and the League of North-West Municipalities. Canada has nine provincial leagues.

All national organizations, with one exception, and

many of the state and provincial bodies are alert and aggressive. Several have not yet realized their possibilities or appreciated their opportunity, but since the war some of them have become more active and have begun to grow in influence.

The function of these organizations is to study municipal problems, to suggest remedies and to recommend improvements in city government. They bring experts and city officials together at least once a year to discuss municipal subjects, and give to city officials the opportunity to exchange ideas. They also make it possible for cities to work as a unit for or against proposals affecting the well-being of urban population and under consideration by federal or state governments. Besides aiding the city official the discussions at these league meetings disseminated through the various publicity channels, give to the public the latest and best thoughts on municipal government and stimulate and foster public interest in city affairs and coöperation between officials and their constituents. Many of these organizations have committees which work throughout the year on city problems assigned to them for study and suggestion.

Various groups of city officials are also organized. Among these are the national organizations of city managers, comptrollers, water works superintendents, park superintendents, librarians and street cleaning superintendents; and state associations of city clerks, charity officials, magistrates, police chiefs, fire chiefs, patrolmen, paid firemen, health officers, school superintendents, school teachers and sealers of weights and meas-

ures. These hold meetings annually and discuss city problems in which they are particularly interested.

The group which supplies information about municipal activities consists of municipal reference libraries, operated by universities and cities; bureaus, departments and divisions of municipal research operated by states, cities, universities and colleges, and bureaus of municipal information maintained by universities and cities individually or embracing an entire state.

Among the cities which maintain municipal reference libraries in their city halls are New York, Chicago, Milwaukee, Portland, Ore., St. Louis and Toronto. In several other municipalities the public libraries maintain municipal reference divisions. Among these are Cincinnati, Ohio, Detroit, Mich., Fort Wayne, Ind., Minneapolis, Minn., Oakland, Cal., Philadelphia, Penn., San Francisco, Cal., and Seattle, Wash. Bureaus, departments or divisions of municipal research or information are operated by the following educational institutions: Bowdoin College, University of California, University of Cincinnati, University of Colorado, Harvard University, University of Illinois, University of Iowa, University of Kansas, University of Michigan, University of Minnesota, University of Missouri, University of Nebraska, University of North Dakota, University of Oklahoma, University of Texas, Toledo University and University of Wisconsin. Among the cities which operate bureaus of municipal research are: Baltimore, Md., Boston, Mass., Kansas City, Mo., Los Angeles, Cal., and Toledo, Ohio. Some states operate bureaus with limited functions. Among these are the Massachusetts Bureau of Statistics, the New York

State Bureau of Municipal Accounts, the Division of Municipal Statistics and Information of the Pennsylvania State Department of Labor and the New Jersey State Department of Municipal Accounts.

Sixteen municipal leagues either maintain or coöperate with universities in operating bureaus of municipal information. Among the most active of these are the bureaus in California, Iowa, Kansas, New Jersey, New York, Texas and Wisconsin. The New York State Bureau of Municipal Information is unique, and is the largest, best equipped and most active clearing house for municipal information.

After having studied for four years the problems of cities and the work of public officials the New York State Conference of Mayors and Other City Officials concluded that the chief need of the New York State municipalities was a clearing house for information. Properly equipped and efficiently managed, such an agency, it concluded, should remove many of the existing obstacles to more effective administration of public affairs. It is interesting to note that this study and the decision were made by men who were in public office and therefore had had experience in public service. With them the conditions were not fanciful and the proposed remedy was not theoretical. They knew from experience what was lacking. Experience has also taught them what was needed. They knew that the personnel of city administrations is constantly changing. They realized that each official has to grope through a maze of perplexities and uncertainties in his effort to solve the many intricate problems involving the expenditures of large public funds. They also knew that much

needless and costly experimentations were being made, simply because a particular city department did not know, and had no effective means of learning that some or several other cities had already solved that particular problem.

Duplication of time, labor and expense to obtain information about systems, unit costs, and results in other cities was found to exist in every city. While making this investigation, the committee found that at least five cities were writing everywhere to learn what others had done to regulate the jitney bus. None knew at that time that the information had been collected by a national organization and was available. It also learned that one city had started to collect data about the number of policemen employed per thousand of population and per square mile of area without any knowledge that the comptroller of New York City had spent public funds and considerable time gathering the same information from the one hundred largest American cities.

At their annual meeting in 1915, the cities of New York State resolved to end this chaos by establishing the New York State Bureau of Municipal Information, and after eighteen months its bureau council made this announcement: "We believe that we have in the bureau the most effective implement of warfare yet devised against inefficiency in municipal service." And on its fifth anniversary the cities unanimously increased their assessments for the support of the bureau so as to make it possible for the institution to double its staff and facilities.

The bureau is exclusively an institution of and for the

cities of New York State. Being directed by a council of five mayors elected at the annual meeting of the official representatives of the cities, it is controlled absolutely by the municipalities. It is also supported only by the cities and with the sanction of the State. Each first class city makes an annual appropriation of $750; each second class city $500, and each third class city either $200 or $250, depending upon its population.

No vested or special interest, no political party, and no individual city or class of cities can control its activities or policies. The bureau from its inception has been a non-partisan, non-factional servant of each and every official in all the cities of the State.

The bureau deals only in facts. These are its merchandise. At its first meeting the council declared the policy of the bureau to be (a) not to advocate anything, (b) not to recommend any person, firm or thing, and (c) to give as much information on both sides of a controversial subject as is available at the time and can be procured. Its slogan, "Not to Reform, but to Inform," expresses its true function. "It is for the city officials to shape policy and make plans and recommendations," says one of the council's annual reports. "It is for the bureau to supply the facts and all available information which city officials may use in formulating correct policies and plans according to their local conditions."

The chief function of the bureau is to furnish all available information about any municipal problem to any New York State city official requesting it. It also gathers and distributes information about city activities on its own initiative and keeps officials of New York State municipalities in touch with one another by dis-

seminating among them new ideas and plans. Another duty of the bureau is to study all municipal legislation and to represent any city or official before committees of the State legislature, or any State department. The progress of the legislation, both local and general, is watched and the cities are kept informed.

One experience described by the bureau council in its annual report illustrates how difficult it is for an individual city to get complete data about many municipal problems. The mayor of one city called for information about the experience of American cities with municipal cemeteries. Soon after it had started the work, the bureau learned that, although many American cities have municipal cemeteries, nothing of value on the subject had ever been prepared and printed. The Congressional Library in Washington about a year previously had prepared a bibliography on the subject, which contained only eight references, seven of which were foreign. The only American reference was a general statement to the effect that several American cities have municipal cemeteries. The bureau, therefore, had before it the task of preparing the first report on this subject. It first had to get the names of American cities which had municipal cemeteries. Its second task was to prepare and to send to these cities a comprehensive questionnaire. It then had to study and tabulate the data received. Within a month after making the request the mayor received a copy of the first report ever prepared on American municipal cemeteries.

Requests for information are not confined to any one group of city officials. They are received from all,—mayors, city engineers, corporation counsels, health offi-

cers, assessors, market superintendents, water bureau heads, commissioners of public works, charity officials, park superintendents, city clerks, aldermen, sealers of weights and measures, superintendents of school, librarians, plumbing inspectors, police and fire chiefs, firemen, patrolmen, financial officers, shade tree commissions and even street cleaners and janitors. Every municipal activity is also represented in the list of the bureau's studies.

As a result of this coöperative plan, each city in the state is receiving a needed service, which it could not possibly duplicate by individual efforts and for the money it pays. The general public and few cities have no idea about what it costs and the amount of time and labor required to research a general municipal subject, so that an official's recommendation and a city's action may be based upon actual experience and facts, and not upon guesses which are too often the foundation for many official acts. In one of its reports the bureau says that for its report on municipal markets a three-page questionnaire was prepared. This had to be done by some one familiar with all phases of the subject, and especially with the points upon which experts disagree, such, for example, as whether or not a market should have a delivery system. This questionnaire was sent to two hundred and four American cities. To those which did not answer the first request for data, another letter and in some instances a second and even a third follow-up was sent. While the data were being collected the bureau's staff studied and summarized everything which had been printed on the subject that it could find. All of the books, magazines, pamphlets,

newspaper articles and reports on file in the New York State Library, the New York City Library and the New York City Municipal Reference Library, and all literature sent by the cities to which had been mailed the questionnaires were researched. The report was then prepared and the data from the seventy-four cities which reported they had municipal markets were tabulated and collated. Typewritten copies of this material were sent to the best municipal market experts in the United States for their criticism and suggestions. After the necessary changes had been made, the report was printed and sent to the cities of the State. Two months from the time the work was begun, the report was issued and during that time nearly four hundred letters were written. The bureau estimates that it cost approximately $500 to prepare and circularize this one report. It, therefore, cost each city between $8 and $9 to obtain information about public markets. If an individual city had made the study, the bureau estimates it would have cost its taxpayers not less than $300.

In its last report the council summarizes the bureau's accomplishments as follows: "The bureau has demonstrated beyond a doubt its usefulness and the wisdom of the cities in creating it. Every claim of its advocates has been justified. It has practically eliminated duplication of work in gathering and distributing information. It has procured practically all available data that have been requested, has rendered quick service, and the information it has furnished to city officials has increased efficiency and effected economy in many ways. Its reports have been accurate, unbiased, inexpensive and in usable form for all. Before the cities had the bureau,

every official was for himself. Most of the information he sought was either not obtained at all or much of that which was procured was inaccurate, biased and expensive in time and money.

"These five accomplishments of the bureau we point to with pride:

(1) We have substituted facts for guesses in municipal work in New York State.

(2) We have made it impossible for any city official to excuse a waste of public funds on theories and experiments which have failed in other cities.

(3) We have made available to all city officials the best thoughts and efforts of American cities so that failures may be avoided and successes repeated.

(4) We present singly and en masse the facts, opinions and advice of the city administrations of the State for the information of the public and as a guide to those who are seeking the solution of state-wide municipal problems, thereby broadening the perspective of state legislators, whose views would otherwise be self-centered, and placing above selfish interests the general welfare of all.

(5) We have helped to solve the problem of continuous efficiency in city government by perpetuating for the benefit of new officials those practices of greatest efficiency which their predecessors and others devised.

"The bureau is to the legislature and other bodies dealing with state-wide municipal problems what the field glass is to the general of an army. It is to the municipal officials seeking information to aid them in

the solution of city problems what the comptometer is to the accountant. It is to the cities of the state what the telephone exchange is to the patrons of a telephone system."

As a result of the activity of these various agencies neither federal, state, county, nor village government is receiving the attention that so many experts and students are now giving to city government. There is in America at the present time, a genuine and widespread effort through sanely directed organizations to make and to keep municipal servants and service efficient. Training in and for public service seems to be the most backward sector of the movement. Both cities and educational institutions have failed to make possible that which is needed more than any other thing at the present time to raise the standard of public service. On the other hand "if organization and coöperation will wipe out the stigma which has been placed upon municipal government, we are in a fair way to make the city the most efficient unit of our government, for we are rapidly assembling and setting up and operating the machinery which is linking all American municipalities into one compact working force. We are at least determined to give the thory of coöperation in solving problems of city government a fair trial. . . . Its success is already being indicated by the results of the laborers of the various organizations and the effects of these results on individual municipalities."* And most encouraging of all is the fact that among the most effective activities fighting inefficiency in public service are those devices established and oper-

*The Author in *National Municipal Review.*

ated by the city officials themselves. The activity of these organizations and central clearing houses of municipal information is now a potent factor in the successful effort under way in most sections to raise the standard of municipal service.

CHAPTER IV

IS CITY GOVERNMENT A BUSINESS?

THREE GROUPS WITH DIFFERENT VIEWS—COURT OPINIONS—MUNICIPAL GOVERNMENT MORE THAN A BUSINESS — LEGAL PRIVILEGES OF PUBLIC AND PRIVATE CORPORATIONS — HUMAN ELEMENT IN CITY PROBLEMS—ANALOGY BETWEEN MUNICIPAL AND BUSINESS CORPORATIONS — APPLICATION OF BUSINESS PRINCIPLES

BEFORE progress can be made in the formulation of a correct plan of governmental organization, which is the next essential step in any movement for good city government, it is necessary to determine whether or not city government is a business. If it is, then the plan of government should be based on the principles of organization which business corporations have adopted and under which they have succeeded. If, on the other hand, city government is not a business, or if it contains controlling factors with which business corporations do not have to deal, then the effective plan of city government must be different from that of a business corporation, and made to meet those conditions peculiar to a municipal corporation and unknown to a private corporation.

It is very important that the answer to this question be correct because the principal claims of the advocates

of the newer plans of governmental organization are based on the assertion that a municipal corporation should function in a manner similar to a private corporation organized for industrial or other purposes. The views of this group vary from the belief that city government is thoroughly a business to the opinion that cities are essentially executive in their functions. "In many of its more important aspects," says Dillon,* "a modern American city is not so much a miniature state as it is a business corporation, its business being to wisely administer the local affairs and economically spend the revenue of an incorporated community. As we learn this lesson and apply business methods to municipal affairs, we are on the right road to better and more satisfactory results."

There is another group, however, which believes that city government is more than a business, and because of that view the members of this group hold the opinion that there cannot and should not be a strict adherence to any form of business organization. The reasons for the opinions of this group are summarized as follows:

1. The functions of a municipal corporation are legislative and judicial as well as executive.
2. The city is a compulsory and not a voluntary corporation.
3. The measure of success of a private corporation is the size of the dividend; that of a municipal corporation the quality and quantity of service.
4. "The city enjoys many legal privileges and immu-

*From *Commentaries on the Law of Municipal Corporations,* by J. F. Dillon. Used by permission of Little, Brown & Company, publishers; copyright 1911.

nities which the ordinary business corporation does not possess."

5. "A municipal corporation must give weight to many considerations of social well-being which the management of a private corporation can afford to neglect."

6. There is a wide difference between the powers and capacity of a municipal anl private corporation to borrow and to expend funds.

Every city has many ordinances which interfere more with individual freedom and action than any other body of laws. As one writer has said: "The questions that touch the people oftenest and closest in their personal relations are questions of municipal government." Among the many local laws which affect the conduct of individuals and the operation of commercial and industrial enterprises are those restricting use of property; regulating the height and bulk of buildings; the age of automobile drivers; motion picture theatres as to sanitation, aisles and exits; Sunday amusements; dangerous trades and weapons; noises from whistles, bells, bands and hand organs; hours when children should be off the streets; public morals; keeping of animals; smoke, dust, weeds; safety zones; use of signs, awnings, stands for lunch, candy and fruit; loitering and lounging in streets, playing games, coasting; preparation and care of household wastes; handling and sale of paints, varnishes, explosives and chemicals; and those prohibiting the defacing of property, parks and gardens; improper clothes and dress; anarchistic assemblages and seditious literature.

The courts have held again and again that the city is

primarily governmental. Judge Dillon has said that "the municipal corporation is essentially public and political in character," while another writer has declared that "municipal government is government in just the same sense that state government is government." It is absurd to minimize the legislative functions of municipal government. It is equally fallacious to ignore the judicial functions of a municipality.

As one proof that the running of a city is more than a business proposition Walter A. Webster advances the argument that "the city is not a voluntary corporation, it is a compulsory corporation into which men are born." No one is compelled to invest in a private corporation and if he should, he may withdraw later. For the support of a municipal corporation a person must contribute. A stockholder in a private corporation measures the value of his investment by the dividends he receives. This is tangible. The citizens of a community, who some argue are the stockholders of a municipal corporation, get their dividends in service, which does not necessarily bear any relation to the amount each is compelled annually to invest in the form of taxes. The investment of a stockholder of a municipal corporation is, therefore, intangible. In a business corporation every stockholder is demanding only one thing—dividends; in a municipal corporation numerous groups are striving for various things. A group in one section demands water and in another part of the community the citizens want sewers. Some want their garbage removed; others would like playgrounds. One organization advocates vocational education, another

urges libraries. They are all seeking, but none can agree upon what is the ideal community.

In support of the statement that the city enjoys many legal privileges and immunities which a private corporation does not, many students of government have presented the fact that the city is not legally responsible for the torts of many groups of its employees, such as firemen and policemen; whereas the private corporation, as Professor Munro* says, "is directly liable to be heavily mulcted for the neglect or inefficiency of those whom it takes into its service."

The city corporation is constantly confronted with problems in which is always present the human element such as education, hygiene and the general happiness and protection of men, women and children. A private corporation seldom has these to consider. "In determining matters of policy," says Munro,† "the authorities of a municipality must give weight to many considerations of social well-being." A wider latitude for deliberation on municipal policies than on the policies of private corporations must, therefore, be allowed.

The analogy between a municipal and a business corporation is only partly correct. There is a difference between the two. The same rule and methods of government, therefore, will not apply to both. Hence the proposal to administer city affairs in like manner to private corporations is not tenable, though corporation practice can in part be advantageously used.

The analogy had much merit when applied to that

*From *The Government of American Cities,* by William B. Munro. Used by permission of The Macmillan Company, publishers; copyright 1912.

†*Ibid.*

part of city government which deals only with the maintenance and operation of city services. "Given non-interference by the elective body in the infinite details of municipal administration," says Wicket,* "the success of municipal government, as a business organization, depends mainly on the standing of heads of departments and their staffs, and insistence on departmental responsibility." It breaks down when it attempts to include or to ignore legislative and judicial functions and financial checks. "While the analogy between a business and a municipal corporation may be faulty in many respects," says Professor L. S. Rowe,† "it is of real value when viewed from the standpoint of the organization of city departments. Business principles can and should be applied to the administrative organization of the city." Professor F. I. Herriot has explained business principles applied to government as "methods of procedure whereby men obtain the maximum of benefits, income or profits with a minimum of expense." The results, he says, can only be obtained by efficiency in administration which is dependent upon division of labor and central, uniform control and management. "Greater efficiency and economy, then, are what might naturally be expected," says Mayor Andrew J. Peters,‡ of Boston, "if the public accepted the view that the city government is simply 'a business proposition'; now there is a great deal of truth in this view. The management of large city departments, the award and supervision of contracts, such as those for public

*From *Municipal Government in Canada.*

†From *Problems of City Government,* by L. S. Rowe. Used by permission of D. Appleton & Co., publishers; copyright 1908.

‡*Current Affairs,* May, 1921.

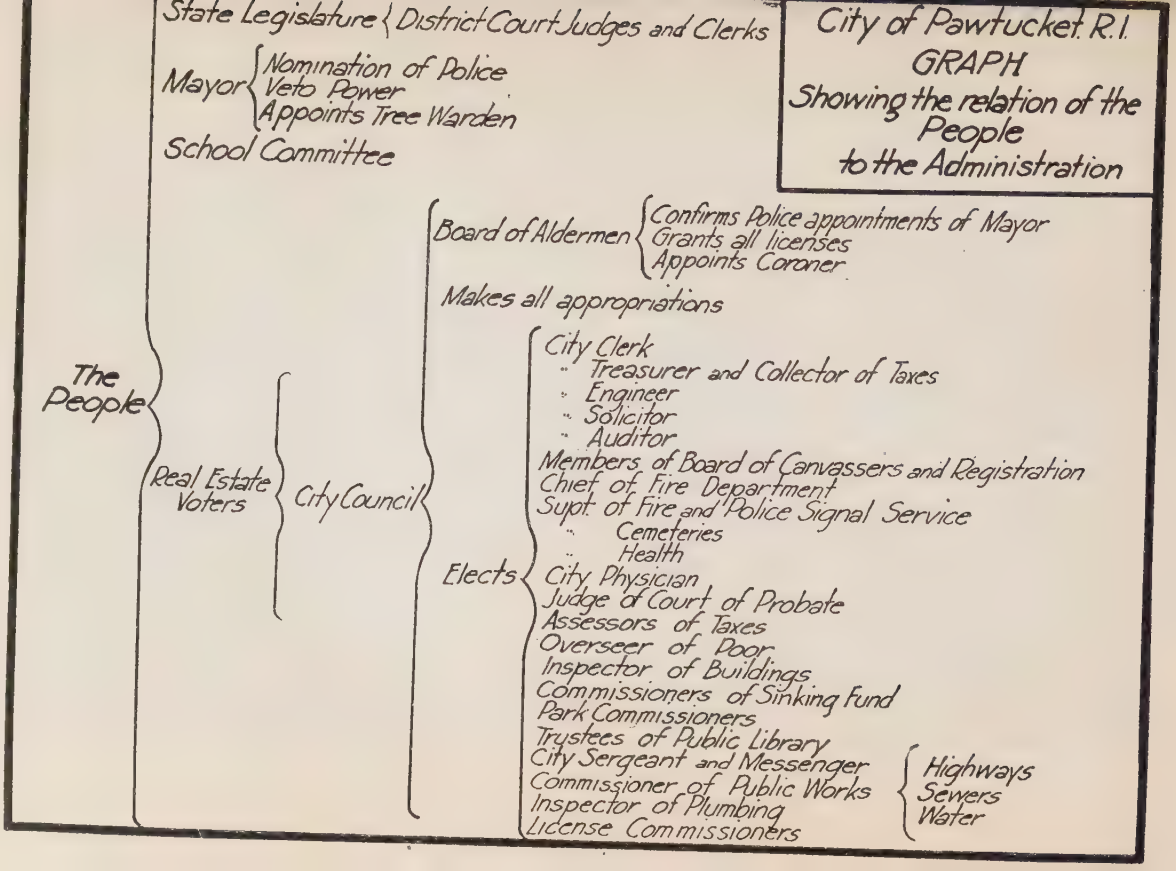
buildings, bridges and streets, the lighting contract and the contracts for the disposal of refuse are eminently 'business propositions.' "

The administrative functions do not demand administrative machinery much more complex than that of private corporations; but city government requires more than administrative machinery, because its legislative and judicial functions must be performed. There must be provided additional organization for these. In doing this we should be guided by experience which has plainly shown that the three functions of city government are essentially separate and distinct. Any confusion or overlapping of these powers inevitably causes trouble. "The ability to administrate usually precludes the ability to legislate, and vice-versa," says Vincent Starzinger. "To illustrate, an efficient legislator must be a representative of the people, responsive to their will. On the other hand, the prerequisites for administration are stability and technical skill and knowledege. When we place the performance of both functions in the hands of one man, we sacrifice one or the other, usually both. It is especially unsafe to entrust legislation to administrators. They very naturally exalt and magnify their departments." In support of this argument, he quotes F. R. Clow, who says: "The estimates of the department chiefs invariably call for expenditures beyond the city's means of payment." This statement is supported by the Hon. Walter R. Stone, former mayor of Syracuse, N. Y., who in his testimony before the Special Joint Committee on Taxation and Retrenchment of the New York State Legislature, gives as one of the causes for the increase in the cost of city govern-

ment, "the enthusiasm and desire of department heads to render greater service and to expand their departments."

A plan of government fails to permit the application of business principles to the administrative organization of a city when it requires that heads of departments be elected or that they be selected from among elected officials. In the words of Professor Herriot, "In these days . . . instead of having one man and all men doing or trying to do everything and anything, we separate and specialize. . . . Such subdivision of work develops and requires experts and specialists, . . . caring nothing for, if not depreciating public opinion. Cities can not secure such expert ability in administration by popular election. No specialist would coddle the public to secure his election. He will not stultify himself either by reversing his real opinion on scientific and technical matters and he will not ask its suffrage and undergo the horrible mudslinging of political campaigns. He will serve the public but only on certain conditions."

The plan also denies the application of business principles when it divides between the administrative organization and the legislative body, or invests in the legislators the sole power of appointment of administrative agents. These result in either complete or partial domination of the business administration by officials whose duty it is to make the laws and determine municipal policies. Whenever plans of government include these provisions, it inevitably happens that members of councils become influential in branches of the administrative organization by securing the appoint-


City of Pawtucket R.I.
GRAPH
Showing the relation of the People to the Administration
The People
State Legislature
District Court Judges and Clerks
Mayor
Nomination of Police
Veto Power
Appoints Tree Warden
School Committee
Real Estate Voters
City Council
Board of Aldermen
Confirms Police appointments of Mayor
Grants all licenses
Appoints Coroner
Makes all appropriations
Elects
City Clerk
" Treasurer and Collector of Taxes
" Engineer
" Solicitor
" Auditor
Members of Board of Canvassers and Registration
Chief of Fire Department
Supt of Fire and Police Signal Service
" Cemeteries
" Health
City Physician
Judge of Court of Probate
Assessors of Taxes
Overseer of Poor
Inspector of Buildings
Commissioners of Sinking Fund
Park Commissioners
Trustees of Public Library
City Sergeant and Messenger
Commissioner of Public Works
Highways
Sewers
Water
Inspector of Plumbing
License Commissioners

ment of subordinates in the various departments. When this occurs subordinates are usually more loyal to the legislators who secure their appointments for them, than to the heads of the departments in which they are employed. The result is chaos and inefficiency in the administration of municipal affairs and confusion of the public mind. Another result experienced has been the influence of legislators in the awarding of contracts, the purchase of supplies and the enforcement of laws.

Attempts to establish effective administrative machinery for our municipal corporations have gone from one extreme to the other. Many of the combinations and variations of the older plans of city government provide for a very elaborate system of checks and balances. On the other hand the newer plans of government have ignored almost entirely the need for any control. There is danger of pressing the point too far in either direction.

Unnecessarily complex administrative machinery gives the opportunity for confusion and overlapping of power, evasion of responsibility and hampering efficiency. A simplified system with no administrative checks on the abuse of power or the use of public funds is also unsafe. The power to borrow and spend is much more limited in the case of a private corporation than in that of a municipal corporation. Checks are, therefore, needed on municipal loans, appropriations and compensation of officials and employees. These require municipal machinery which a private corporation does not need. The difference in the borrowing capacities of municipal and private corporations and their power

to spend money makes necessary a municipal system of checks, and, therefore, a somewhat more complex city administrative machine than a private corporation demands.

Since the advent of the commission type of municipal government, much has been said and written about private and public business efficiency and political and business standards. An intimate and protracted contact with private and public business forces the opinion that many of these statements are exaggerated. In one of its bulletins the National Civil Service Reform League says it is hard to avoid the conclusion that the very reason there is more noise about graft in politics than in business is that our political standards are so much higher than our business standards. As an illustration it says that "nepotism is to-day regarded as a cardinal sin in politics, yet it is well-nigh universal in business. Secret commissions are not so respectable, yet they are widely prevalent in certain lines of business, while entertainments, cigars, banqueting, and other subtle forms of bribery flourish luxuriantly wherever buyers congregate." We also have a very recent opinion from Henry Bruère,* which is based upon experience in both public and private life. "For a good many years a group of people have proclaimed that it was desirable to establish in public business the methods and habits of private business," he says. "In many respects that is possible. In some respects that is desirable. But as I have learned more of private business after having learned something of public business, I

*From Twelfth Annual Proceedings, New York State Conference of Mayors and Other City Officials.

have come to the belief that public business is infinitely more difficult than private business, that there are not many things you do in private business than can be done similarly in public business, that successful administration in public business requires very much greater qualities of heroic leadership than any private business. But there are similarities."

Any plan of government based on the belief that municipal government is solely a business institution is wrong in principle and will not in the long run produce the desired results. City government is more than a business, and its governmental organization must provide for functions which a private corporation is not required to perform and for differences inherent in the two bodies.

CHAPTER V

HOW SHOULD CITY OFFICIALS BE ELECTED?

ADVANTAGES OF NON-PARTISAN ELECTIONS—ARGUMENTS BY ADVOCATES OF PARTISAN ELECTIONS—ELIMINATION OF PARTY POLITICS AND ITS EFFECTS ON GOVERNMENT—NON-PARTISANSHIP AND THE SHORT BALLOT PRINCIPLE—MUNICIPAL ELECTORS CONFUSED BY NATIONAL ISSUES—SPLITTING FORCES AGAINST CIVIC CORRUPTION

SHOULD city officials be nominated and elected on a partisan or non-partisan ballot? This question has been discussed in many cities with the result that partisan primaries and elections have been abolished in many American communities. No movement has gained with greater momentum during the last few years. Practically all of the cities under the commission and commission-manager type of government now choose their officers on a ballot without party designation. There are also a number of federal plan cities, notably Boston and Cleveland, which nominate and elect their officials in this way. Chicago in 1919 adopted non-partisan election for aldermen. There is, however, a wide divergence of opinion about the benefits resulting from non-partisanship.

The views of those in favor of the abolishment of

partisan politics in city government are embodied in statements made by two Presidents of the United States. Benjamin Harrison said: "Partisan politics is a national necessity and a municipal misfortune." In advocacy of non-partisan city government Theodore Roosevelt made this statement: "The lines upon which national politics divide have no necessary connection with the business of the city. Such connections open the way to countless schemes of public plunder and civic corruption." Brand Whitlock has also said: "The party system carried down into the cities has been the real bulwark of municipal corruption and inefficiency. . . . Now that the people are becoming non-partisan, they will come into their own."

Following is a summary of the advantages of non-partisan elections as put forth by the advocates of the plan:

(1) It destroys the artificial barrier which national party lines raise between citizens whose objects are really the same.

(2) It eliminates the possibility of only majority representation, which is a probability under the partisan plan when there is a short ballot.

(3) It gives elected officials a broader field from which to select appointees.

(4) It puts a premium on the intelligence of the electors.

(5) It simplifies elections.

(6) It abolishes partisan politics in city government.

(7) It substitutes character and competency for political beliefs on national and state questions as the qualifications for municipal office.

(8) It abolishes the doctrine "To the victor belongs the spoils."

(9) It diminishes the advantages enjoyed by regular party nominees and encourages independent candidates.

(10) It eliminates the possibility of a partisan state legislature favoring or punishing a community because of its choice of elected municipal officials.

(11) It purifies partisan politics by restricting party activities to the legitimate field for such issues, state and national affairs.

(12) It places the interests of the whole community above those of any political party, organization or faction.

(13) It prevents a partisan division of the forces of good citizenship.

(14) It emphasizes local issues in municipal campaigns and eliminates state and national questions.

Those in favor of partisan elections may be divided into two groups. In one are those who believe in the doctrine "To the victor belongs the spoils," and who fear that the loss of municipal patronage would weaken state and national partisan organizations. The other group maintains that partisanship is necessary and unavoidable in city government. Professor Charles A.

Beard has made the following summary* of the views of this group:

1. The causes of parties lie deeper than election laws or most so-called issues.

2. The causes of parties being social and economic, we must expect the continued existence of party organization in our municipal affairs.

3. The task before the reformer is not the enactment of non-partisan laws, but the development of legislation and public opinion which will make parties responsible for their conduct of municipal government.

4. Independent, self-directing citizens are relatively few in any community or party, but education will widen that number and from them we may expect a check upon the party extravagance which has disgraced so many of our cities.

5. Men who want wise and just government in cities are likely to do as much good by coöperating with parties and insisting upon the establishment of sound party policies and genuine party responsibility, as they are by running to the Legislature for new non-partisan election laws.

6. There is a power, not in legislation, which worketh for righteousness.

Many of the opponents of non-partisan municipal elections agree with the proponents that partisan politics has been responsible for many of the evils of munic-

**National Municipal Review,* March 1917. Used by permission of the publishers.

ipal government. There is no doubt that corruption, incompetency and extravagance in the administration of municipal affairs have thrived under the system which makes public servants directly responsible to a political organization which must depend upon patronage and power for its existence and only indirectly responsible to those whom they are elected to serve. Every American city can produce evidence to substantiate this statement. On the other hand there are some American cities absolutely dominated by a political organization, which have enjoyed good city government. These are the exception, however. They have been fortunate in having at the head of the dominant organization a leader who realized that good government is the best asset a political organization can have and who was strong enough to keep that policy in force. Unfortunately few political organizations have such leaders.

Notwithstanding general agreement that party politics has in the past been the "city's misfortune," there is a disagreement as to how the evils should be eliminated. One group advocates the elimination of partisan politics from city government by abolishing partisan elections; the other insists that party responsibility is necessary and that the remedy for municipal ills resulting from partisan politics lies with the party members insisting upon the party establishing sound principles and efficient service and accepting responsibility.

Opinions differ as to the effectiveness of the nonpartisan plan in eliminating party politics. Reports from several cities which have abolished partisan elections declare that partisanship in city government has been eliminated. Statements received from other

sources in some of these cities and from other non-partisanship municipalities maintain that the plan has not worked. "From what I can gather from newspapers and gossip with visitors from non-partisanship cities of any size," says Professor Beard,* "the abolition of city parties by statutory devices is a delusion."

It is undoubtedly true that the non-partisan plan has not entirely eliminated partisan activities during municipal campaigns and at election time in many cities in which the plan is in operation. It has, nevertheless, either eliminated or greatly weakened partisan influence in the administration of public affairs after the successful candidates are in office. Even though a candidate is nominated or elected, as the case may be, on a ballot which bears no party designation, it is generally known with what national party he is affiliated, and in many instances he has the moral and in some cases the active support of the national party organization. Nevertheless, after the people have expressed their will at the polls, the successful candidates under the non-partisanship plan are freer to determine policies and to select their appointees than they would be if they had been elected under the partisan system. In the words of former Governor Hiram Johnson of California: "Without partisanship, whole-hearted individual service can be rendered by a public official; with partisanship he divides his service."

Non-partisanship is especially important if the city charter provides for the short ballot principle. Two reasons have been advanced and both have merit, pro-

**National Municipal Review,* March 1917. Used by permission of the publishers.

vided there are no unusual local conditions. When few offices are to be filled by election the partisan plan usually results in the selection of all officials of the same political party. There is no minority representation in the city administration as the party which succeeds in electing all of the candidates also controls all appointments. Under non-partisanship there is no minority or majority representation. The elected official is not only in theory but also in practice the servant of all the people. He is not indebted and therefore is not responsible to any group having similar views on national or state policies.

Great responsibilities are placed on the few elected officials under the short ballot principle. For example, the mayor, under the uncontrolled executive plan, is made responsible for the appointment and removal of the heads of all administrative departments. If he is elected on a partisan ballot, his selection of expert and trained heads of departments is limited to those persons who are members of the political organization which nominated and elected him. This very often hampers him. No political party can lay claim to a monopoly of all the administrative skill, training and public virtue in a community. Under non-partisanship, he has the whole community from which to select his staff. If the situation demands it, he can even engage men from other communities. He can pick his advisors regardless of their political beliefs or national party affiliations, skill and training being the only required consideration.

The Boston charter provides for this by requiring that the heads of departments who are to be appointed by the

mayor should be recognized experts in such work as may devolve upon the incumbents of such offices, or persons equally fitted by education, training and experience to perform the same. It also provides that, with the exception of election commissioners, they should be appointed without regard to party affiliation or to residence at the time of appointment. Non-partisan election does, therefore, remove many of the obstacles which partisan elections place in the way of an efficient administration of public affairs. "What we seek by the non-partisan laws," said former Governor Johnson in one of his speeches, "is efficiency in government." In the legislature of California he also said: "While political economists may often speak of the necessity of parties, there is none but decries blind party worship. Blind partisanship is ever the refuge of the unworthy politically, and it is he who dares not to exploit himself or his record that insists upon ignorant, unyielding and unswerving party fealty. Of late years we have emerged from the darkness, and we have emancipated our cities and our counties." His last statement referred to California.

Whenever municipal partisan elections are held, national party issues are used, either purposely or unavoidably, to confuse municipal electors, and the city's real needs and policies are forced into second places. J. J. Hamilton* says: "The country is fast moving toward the time when the absurdity of nominating candidates for city offices on account of their views on the tariff question or their membership in Republican,

*From *Government by Commission,* by John J. Hamilton. Used by permission of Funk & Wagnalls Co., publishers; copyright 1910.

Democratic or any other national party will be generally acknowledged." When officials are nominated and elected without party designations of any kind, discussions during campaigns by both candidates and electorate are concentrated on local needs and policies and the fitness of the candidates, not the fitness of a party or party organization, to serve the city. The voter, when he casts his non-partisan ballot, has no thought of what any party has done or wants to do at Washington or at the state capital; he is thinking only about the sort of police, health and fire protection the city should have, what local nuisances should be eliminated, how the city's housecleaning problems can be solved, how far the community should extend its social service work, in short, the solution of the local problems and the administration of community activities which will make his or her city a better place in which to live. Under partisan elections these and a multitude of other municipal subjects are thrust aside or given only cursory consideration because policies and declarations on national and state problems, which must be kept alive to protect the party interests, distract public attention at the time of municipal elections.

Municipal partisan elections hamper what Hamilton* has described as "the harmonious development of a sound and invincible public opinion favorable to honest and efficient administration," by dividing the forces favorable to good government, pitting one against the other in a strife for party domination and permitting the political jobbers and law-defying ele-

*From *Government by Commission,* by John J. Hamilton. Used by permission of Funk & Wagnalls Co., publishers; copyright 1910.

ments to combine forces and secure the sinister results they desire. Non-partisanship has the opposite effect. It unites the forces of good government and makes it easier for them to defeat selfish and corrupt influences and political parasites who seek office not for the purpose of benefiting the community but for personal gain. It also makes possible the concentration of public attention upon problems and policies which are of vital importance to the well-being of local citizens. We are, therefore, forced to the conclusion that there is merit in the claim that non-partisan elections do put a premium on intelligence by forcing each elector to do his or her own thinking about candidates and local issues instead of relying on a party or organization to tell them for whom to vote and how local problems should be solved.*

It is a well-known fact that state legislators are influenced in their consideration of local measures by the political complexion of the city administration seek-

*"I think, however, that it is only fair to add to this that the perpetuation of good government in cities is made difficult because of the apathy shown by those who should be most vigilant and enthusiastic in its maintenance. When conditions get to be so bad that they are unbearable, the better elements of the community usually interest themselves and form an organization to remedy matters. After the new order of things is put in motion, however, their interest largely ceases, and things are left to run by their own momentum. The result is that they gradually drift back into their old lines. This state of affairs, I think, is more largely due to selfishness than anything else. Political parties are useful because they form organizations, ready made, through which campaigns can be carried out. If non-partisan principles are introduced, no such organizations are lasting, and must be formed for every campaign. The lines are drawn in a different way, not between parties, but between those who are anxious to see good government prevail, and those who are not. Non-partisanship therefore means considerably increased labor on the occasion of every election, in order to create and put in working order proper organizations, for it is only by such organizations that elections can be won."—Edwin J. Fort, City Manager, Niagara Falls, N. Y.

ing legislative action. The practice of favoring the requests of an administration controlled by the same political party which dominates the legislature and of disapproving local bills presented by administrations of opposite political complexion is prevalent. There are also instances on record where a state legislature has actually gone out of its way to punish in one way or another, a city which elects to office or retains in power a majority of officials affiliated with a political party opposed to that which has a majority of state legislators. If a city uses the non-partisan system for the selection of its officials, it can neither be favored nor punished by a partisan legislature. Its requests must be considered solely on their merits.

The one argument most frequently heard against non-partisan municipal elections is "that parties stand for definite policies, and that they are necessary, therefore, to preserve or to adopt some definite governmental tenets, and that for the adoption or failure to adopt these tenets, responsibility is fixed upon the party in power." There is merit in this argument when it is applied to the national and state governments where the seat of government is farther removed from the people than it is in the city, but it is fallacious when considered in connection with municipal government. Governor Johnson in one of his messages to the legislature answers as follows those who present as an argument in favor of partisan elections the need of party responsibility: "In the government of municipalities no party ever was held responsible for the acts of its agents who were officials, but the individuals were held responsible. In the government of the country to-day,

for the specific act of an official, no party is held responsible, but the individual himself must answer to the people. . . . If a party be in charge of a corrupt boss or a number of corrupt bosses, to speak of party responsibility is absurd. If a party solemnly presents to the people a platform with well understood and thoroughly interpreted tenets, and the individual in power deliberately ignores the party's pledges, the responsibility rests with the individual. But in a political subdivision . . . experience, the greatest teacher of all, has given us the absolute knowledge that there is, in reality, no party responsibility for the acts of individual officials." In municipal elections about all parties are responsible for, are the candidates for office. And in most instances these are not selected by the parties but by those in control of the organization, who are more interested in the success and well-being of their political party than in the efficiency of the city government. There are, however, some exceptions.

Although non-partisanship may not entirely eliminate party activity in municipal elections and government, experience has proved that the system of selecting public officials either weakens or eliminates party influence both at and after elections. It places the responsibility for the selection of candidates and officials on the individual electors and not on the party, by giving them, and not the organization or its leaders, the opportunity to control. Whether or not the people accept the opportunity on all occasions has nothing to do with the merits of the system. The fact that the system provides the opportunity makes the people's will more secure. It also makes the official responsible for good government

and directly accountable to the people. Partisan election divides that responsibility in the minds of many between the official and the party whose candidate he was. It also makes most officials feel that they are directly accountable to the party and only indirectly accountable to the people they were elected to serve.

Non-partisanship assists electors to make a better selection of officials, and officials to appoint better subordinates. It eliminates the possibility of injecting into municipal campaigns false issues and focuses public attention on local needs and problems. It permits the forces for good government to work unitedly against civic corruption. In a city election, the main idea should be to elect capable men regardless of their national political beliefs; after election to operate the government in the interest of the whole community and not for "political expediency." There are instances where peculiar local conditions require partisan activity in municipal elections to counteract forces whose evil influences could not be otherwise overcome, but these are rare. In most American cities, better municipal government will be possible with the adoption of the non-partisan system for the selection of their public officials.

CHAPTER VI

BY WHOM SHOULD CITY OFFICIALS BE ELECTED?

LIMITATION OF SUFFRAGE—METHODS OF SELECTING MEMBERS OF LEGISLATIVE BODIES—OBJECTIONS TO WARD REPRESENTATION—RACIAL AND CLASS LINES PERPETUATED — PRACTICE OF "LOG-ROLLING" — SYSTEMATIC PLANNING DESTROYED — ADVANTAGES OF SYSTEM OF ELECTING CITY LEGISLATORS AT LARGE—POWER OF ELECTORS INCREASED—SECTIONAL STRIFE ELIMINATED

THERE is a general agreement that the city should be the political unit for the nomination and election of city officers, except members of the legislative body, and that there should be no limitation of suffrage. There still exists, however, a difference of opinion as to the desirability of district representation within the legislative body, but the present tendency strongly favors the nomination and election at large of all members of the council.

The limitation of suffrage to real property owners, which was a common feature of our political system in early days, is now unknown in American cities, except in isolated cases. Providence, R. I., and Pawtucket,*

*See graph of organization of government of Pawtucket, R. I., opp. p. 50.

R. I., are among the exceptions. In each of these cities members of the bicameral legislative body are still elected only by persons owning property. The mayor, however, in each instance is elected by all the people. The theory upon which this limitation of suffrage was based, that only property owners were taxpayers, has long since been relegated to the scrap heap. Those property owners, whose incomes from their holdings are insufficient to pay the taxes and other charges and the interest on their investment, cannot shift the burden of taxation to the renter in the whole. Yet rent payers who contribute to the owners of realty a sufficient sum to cover such expenses and net income, in many ways assume the tax burden. There is, therefore, a large class of property owners who do not pay any real estate tax, because they are able to shift the burden, that liability being included in the overhead expenses and paid by the renters.

Several states now levy an income tax, a part of which is used by localities to reduce the tax on real estate for municipal purposes. This new factor has eliminated any argument by property owners that they should be protected by a limited suffrage.

In devising methods for the selection of members of the legislative bodies, American ingenuity has had full sway. Some cities nominate and elect all members by districts or wards. In a few cities they are nominated by wards and elected at large. The charters of a small number require that each councilman shall be nominated and elected at large but that he "must live in the ward which he represents." A certain number of the legislative body in some cities is elected by wards

and the remainder at large. In most commission and commission-manager cities and in an increasing number of municipalities having a simplified federal plan, all members of the legislative body are nominated and elected at large.

Proponents of the plan of ward or district representation in the legislative body advance practically only three arguments, namely, that under such a system local needs are better known and satisfied, that the policy-making body is more truly representative, and that with many candidates on the ballot under an election-at-large system, it might so happen that all candidates listed might reside in one section of the city. The objections to the ward system answer these arguments and may be summarized as follows:

1. It cannot in itself give good government.

2. It permits the voter to have only a fractional influence in the affairs of the city.

3. It produces sectional strife and eliminates city unity.

4. It encourages a local selfishness destructive of the general, and ultimately of the local, interest.

5. It clogs positive action and prevents systematic planning and economic execution of great improvements.

6. It makes of a city a hodge-podge of associated localities.

7. It perpetuates and accentuates in city government class and racial lines.

In a city it is impossible to mark off into divisions, as the ward system attempts to do, a developed local sentiment and opinion. There will arise from time to time a division of opinion on various municipal policies, but sentiment will vary on each proposed policy and in each neighborhood. It is also a fact that no function or activity of a city can be divided by ward lines or confined to any particular section. The entire city must have good fire and police protection, its streets must be properly lighted and cleaned. Its paving, sewerage and water systems must be systematically planned and constructed.

It is possible, however, to divide a community into districts along social and racial lines, therefore, some argue that a legislative body should be elected by wards or districts so as to permit each class and nationality and section of the city to have one or more representatives. When a legislative body is so organized, they assert, it is a more representative body than when composed of legislators elected at large and representing the city as a unit. It is this class and racial distinction, that the ward system tends to perpetuate and accentuate, which every red-blooded American is combating with Americanization and other activities. Instead of perpetuating a system which is antagonistic to welding the population of each city into a homogeneous American commonwealth and to abolishing class distinction in civic affairs, we should support any plan which will destroy the heterogeneity from which so many American cities are suffering and substitute therefor that catholicity for which the American pioneers stood. "The city is physically, socially and economically a unit," says

John J. Hamilton.* "It occupies a certain territory geographically and is the abiding place of a definite population. . . . There is, too, at every moment a dominant public sentiment on every question pending in the community—not always unanimous, but usually well defined, and, most fortunately, usually sound morally and right intellectually. . . . Public sentiment once fully aroused and united in an American city has an elastic quality which sweeps all about it. Divided into many petty currents it is wasted and defeated; gathered in one grand stream, it becomes irresistible." At the expense of attempting to preserve alleged representation, the ward system emphasizes and perpetuates classes and nationality which should have no place in any American community.

Another objection is that the ward system leads to "artificial gerrymandering for political purposes" as J. A. Fairlie† calls the practice. It also makes it possible for a minority of voters to elect a majority of legislators. Fairlee directs attention to another difficulty in rapidly growing cities. "The increase in population," he points out, "is not spread uniformly over the whole city, but is concentrated in certain districts, while at the same time there is a decrease of residents in the business districts, and it is thus almost impossible, if the prevailing system of equal representation in each ward is maintained, to adhere even approximately to

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†From *Essays in Municipal Administration,* by John A. Fairlee. Used by permission of The Macmillan Company, publishers; copyright 1908.

the theory of representation in proportion to population."

Under the ward system the interests of the section which elected him are paramount with each councilman. He is constantly striving to get something for his ward, while there is no one in the legislative body who is looking after the interests of the city as a whole. "The trouble with the system of ward representation is that the individual ward receives attention—at least those wards with aldermen most efficient in trading and arranging deals with fellow members—but the interests of the city as a whole suffer," says Ernest S. Bradford.* It not infrequently happens that in order to get a necessary improvement in the ward he represents, an alderman has to consent to support unnecessary requests of other aldermen in order to secure enough votes to obtain the approval of his proposal.

Practically every city which has or has had the ward system can produce flagrant examples of this vicious system of "log-rolling," or, as Bradford calls it, "part representation." Under such a system an alderman can represent creditably neither his ward nor the city at large because he experiences no incentive to represent the other wards, to the voters of which he is in no way directly accountable; also he finds it is exceedingly difficult to carry out the wishes of his own constituents with all of the other aldermen equally desirous of obtaining all they can for their districts. Such a system makes of any city a hodge-podge of associated localities, produces sectional strife, encourages local selfishness and at least

*1910 Proceedings National Municipal League.

retards city unity. The result is that the city as a whole suffers from extravagance, waste and maladministration. "No city can be well governed or its business completely administered," John J. Hamilton* writes, "whose governing body does not consider the city as a unit and its general interests paramount to local and private selfishness. Every ward fares best in a city in which ward lines are lost sight of in a determination to do at all times the best thing for the whole city."

As each councilman is primarily interested in the desires of his ward constituents, his knowledge of and interest in the systematic planning and economic execution of city-wide improvements and the solution of large municipal problems must necessarily suffer as they occupy a secondary place in his legislative activities. "He feels safe for re-election," as one writer has said, "as long as he attends to the small and unimportant demands of his ward and that on the greater affairs, as for instance the granting of a million dollar franchise, he feels free to give away the most valuable asset of a municipality, knowing frequently that a majority of his ward constituents will not go to the extent of turning him out of office." This results from the fact that the ward alderman does not realize and the system provides no incentive for him to recognize his responsibility to the city at large. "The city council thus constitued," says the Hon. Nathan Matthews,† "is sure sooner or later to become a body of men representing special interests ostensibly local in character,

*From *Government by Commission,* by John J. Hamilton. Used by permission of Funk & Wagnalls Co., publishers; copyright 1910.

†From *Municipal Charters,* by Nathan Matthews. Used by permission of Harvard University Press, publishers; copyright 1914.

but in essence private, individual or corporate. It is a short step for a man who puts his district above the city to prefer other local interests to the general welfare; the interests, for instance, of individual contractors, office seekers and public service corporations."

If a council is composed of nine ward councilmen, each elector is represented only by one-ninth of the legislative body, whereas if these councilmen were elected at large each elector would have nine representatives in the body. The ward system, therefore, permits each voter to have only a fractional influence in the affairs of his city. If John Smith living in the first ward desires the city to make an improvement, he can appeal only to the alderman who represents his ward. If the alderman favors his request, he must obtain the support of a majority of his fellow members in the council. To do this he often has to resort to "log-rolling." Smith cannot assist, because he has no influence with the aldermen from the other wards. He is not their constituent. However, if the request does not appeal to the first ward alderman, Smith is blocked. He cannot interest any other members of the council because the system makes only the first ward alderman accountable to him. If, however, each councilman were elected at large, Smith could appeal for relief to any one or all of the nine members.

The system of electing councilmen at large not only eliminates all these defects in municipal government for which the ward system is responsible, but it also effects many improvements. Among these advantages are the following:

1. It improves the personnel of the legislative body.
2. It makes of the city a political unit.
3. It broadens the viewpoint of the members of the legislative body.
4. It makes a councilman more truly representative.
5. It makes possible systematic planning in every municipal activity.
6. It increases the power of every elector at election time and his influence in the determination of municipal policies.

There is general agreement among students of government and among the electors in those cities which have abolished the ward system, that "better known men are selected for councilmen and men of broader outlook and larger caliber." Under the ward system objectionable members are elected by wards in which is concentrated the worst elements of the city's population. "It has often been urged," says Fairlie,* "that the district system constitutes one of the main factors in the election of inferior and dishonest members of municipal councils." We also have this opinion from John J. Hamilton.† "No matter how the ward lines were arranged —and a conspicuous effort had been made so to divide the city as to make every ward a 'good' or at least a 'respectable' ward — some wards would invariably elect weak, vicious or incompetent aldermen, maintain-

*From *Essays in Municipal Administration,* by John A. Fairlie. Used by permission of The Macmillan Company, publishers; copyright 1908.

†From *Government by Commission,* by John J. Hamilton. Used by permission of Funk & Wagnalls Co., publishers; copyright 1910.

ing a nucleus of inefficiency and dishonesty which survived from one administration to another and nearly always showed a tendency to spread and increase." In another section, Hamilton describes the situation which cities have generally experienced after having abolished the ward system. "To command the attention and hold the support of a large constituency," he says, "a candidate must have certain conspicuous qualities. He must be a man of good repute and of very fair ability. He must have much personal force of some kind, otherwise he cannot impress himself upon a large number."

By making the city instead of the ward the political unit the possibility of sectional strife among members of the council is eliminated. Each councilman is under obligation to the entire community and he is, therefore, compelled to take a broad, comprehensive view of all matters under consideration.

It has been argued by some that there is danger of having a majority of all of the councilmen elected from the same section of the city, unless they are elected by wards. This has materialized in only a few cities which have adopted the system, and where it has occurred, it has not been detrimental, for as Hamilton has pointed out, "every concession he makes to a local or private selfishness reacts and brings down upon him the condemnation of the larger public to which he must look for approval." Ernest S. Bradford has also said: "The fact that every voter in the city is a constituent of each councilman tends to correct any danger from possible over-representation of only one section."

Not only does the system of electing at large increase

the power of each voter in selecting the policy-making body of the city, but it also strengthens his influence with that body after election. At the same time it increases the power of each councilman so that he can more truly interpret and make effective the will of all the people. Instead of doing a little of this or that to appease the insatiable patronage desires of individual ward representatives, the council is able to plan systematically for the whole city and put its policies into execution as the needs demand and the city's finances permit.

In support of the election-at-large feature of the Buffalo charter, Mayor George S. Buck says: "When one stops to consider that a man who represents one of twenty-seven wards is not subject to the control of the electorate of the other twenty-six, while under the election at large of the councilmen, every elector has a chance to pass on the qualification of every other member of the city council, . . . what could anyone devise that is more representative in the way of local government?"

In recent years charter revision bodies in some of the larger cities have expressed the belief that while the election-at-large plan is good for small and medium sized cities, it should not be adopted by the very large communities. All agree, however, that the districts in the large cities should be relatively large. The Philahelphia Charter Committee in its 1919 report says: "The committee came to the conclusion that the best method now proposed is to have the councilmen elected from relatively large districts, and upon the basis of the number of voters contained in each. It has, therefore,

proposed that the council shall consist of one councilman elected for each 20,000 voters, in each senatorial district." This gave a council of twenty-one members. The Chicago Bureau of Public Efficiency advocated a council of thirty-five members elected by wards for that city. Speaking for it before the Western Society of Engineers* George C. Sikes said: "For smaller municipalities the commission elected at large is probably better, but the bureau believes that for large cities the council should have more than five members, and that the method of selection by wards is the better one."

A committee of the National Municipal League could not agree on this feature for a large city. Those opposed to the election-at-large feature argued that the system would increase the influence and power of the political "machine" in the council because "as the size of an electorate increases, the expense and difficulties of conducting campaigns for the office increases also" and as a result "individual candidates are balked." They also argued that the support of an experienced political machine becomes important to the success of a candidate when the ward system is abolished.

These opinions are offset by the experiences of Buffalo and Boston. The commission charter of Buffalo substituted a council of five elected at large for a bicameral legislative body consisting of a small board of councilmen elected at large and a board of twenty-seven aldermen chosen by wards. "Under the old system," says Mayor George S. Buck, "each alderman represented a little district whose interests he was trying to protect, and sometimes to promote at the

*(March, 1919)

expense of other little districts. There was contention between different sections of the city, and the constant necessity for trading with other sections to secure needed improvements. Sometimes there was promotion of sectional differences for political ends, all to the detriment of the unity of purpose of the city as a whole." The new system he says "tends to do away with sectional feeling. At the last municipal election, one man ran on the platform that the great east side had no representation in the council. He was formerly an alderman, at one time was sheriff, is a popular and capable individual, but he did not come within gunshot of a nomination although there were six made at the primary for members of the city council. Here is evidence that sectionalism in a city will die unless artificially stimulated."

Boston now has a council of nine members elected at large. For seventy-six years the voters of that city have preferred to have their aldermen elected this way. For only twelve years were they elected by districts. At the general election in 1920, the voters of Boston by a vote of 56,324 to 79,353 defeated a proposal to abandon the system of election at large. The National Municipal League Committee reports that "the abolition of the ward system in Boston brought excellent results in the composition of the council."

Some students of municipal government have advocated some scheme of voting to insure minority representation if the ward system is abolished. Professor Frank J. Goodnow* suggests that if the American city

*From *Municipal Government,* by Frank J. Goodnow. Used by permission of The Macmillan Company, publishers; copyright 1909.

population "actually finds it impossible to secure competent representatives under the district plan and have to revert to elections at large, the attempt ought to be made by some system of preferential voting in accordance with which the voter is permitted to express his second choices as well as his first choices, the second choices to be accorded weight only when the first choices do not elect, to prevent the election by minorities of officials elected at large." Limited voting and cumulative voting have also been suggested, tried and abandoned after a few years. Former Mayor Nathan Matthews* of Boston says that one difficulty with any system of preferential voting "is the probability that in a short while the voters will be led to ignore the preferential privilege and will vote only for the candidate they desire to elect. The plan might prove entirely unproductive of results." Hamilton believes that the preferential system "gives the benefit of organization to the unorganized mass of voters against the elements of the electorate which are from various causes always in a state of quasi-organization." He, therefore, believes it makes for democracy in the larger sense. Another writer advances the argument in its favor that the system "saves a big item of expense, since it combines the primary and the general election and does away with the evils of a three-cornered fight." Experience† with the preferential systems in American cities

*From *Municipal Charters,* by Nathan Matthews. Used by permission of Harvard University Press, publishers; copyright 1914.

†Sacramento is the largest city in the United States which has adopted and used the proportional representation voting system. Its first election under the system was held on May 3, 1921. Reports indicate that the election machinery worked well, that the people voted easily and that the results were generally satisfactory. In one of its

has been very limited. For that reason, and the fact that the evils it seeks to overcome have not as yet shown themselves to be serious wherever elections at large have been in practice, the adoption of the system has not been widely recommended.

Experience has proved that no substantial improvement over the ward system has been effected by nominating candidates by wards and then electing them at large, or by requiring each councilman nominated and elected at large to represent a certain district. The experience of the city of Cleveland, Ohio, is typical of those cities which now have in operation or have experimented with the plan of electing a number of the council by wards and the remainder at large. In 1910 the city was divided into wards, each represented by one councilman and in addition six councilmen-at-large, who were elected from the whole city on the theory that they would reflect the public opinion of the entire city in matters of legislation. "It was found after a very brief experience," says Commissioner M. F. Bourjaily* of the Cleveland Bureau of Information and Research,

bulletins the Proportional Representation League says: "On May 3, 1921, the Sacramento City Council was elected for the first time by the Hare System of proportional representation. In that election the voters by whose ballots the bosses had previously controlled the city secured only their fair share of representation—no more and no less. They elected two of the nine councilmen. . . . Like all the other members elected these two have given their endorsement to proportional representation. They realize that it has added greatly to the dignity of their position. Each of them . . . can say without fear of contradiction that he is the unanimous choice of a group of voters large enough to deserve one representative — and that under a system which gives every voter the greatest freedom to express his real will without 'throwing away his vote.'" At the general election in November, 1921, Cleveland, Ohio, adopted the proportional representation voting system. This will become effective January 1, 1924.

*Personally communicated.

"that the councilmen-at-large, rather than representing the city as a whole, simply meant an additional councilman from each of the wards from which they were elected, that is, it gave six wards two councilmen each and divided the responsibility in those six wards among two men in place of one." The system was abolished in 1914.

CHAPTER VII

CITY CHARTERS

NEED FOR SIMPLICITY—ADMINISTRATIVE CODE—RESTRICTIONS, CHECKS AND BALANCES—GRANT OF POWER—IMPORTANCE OF TYPE OF GOVERNMENT—SHORT BALLOT PRINCIPLE—CONFUSION OF RESPONSIBILITY—DIFFUSION OF POWER—ACCOUNTABILITY

It is generally agreed that a city charter should be a simple document. It is also conceded that it should consist only of a grant of powers, a plan of organization and governmental standards to be maintained by the municipality. The charter of practically every American city goes far beyond these requirements by combining essentials of a local constitution and the detailed requirements of an administrative code. Thoughtful students of municipal government, and all advocates of home rule, believe that this combination is unwise, when state legislatures have absolute control over the enactment of charters. The administrative code, they believe, should be a separate document, devoted exclusively to the details of administrative procedure, and locally enacted. The State, through legislative enactment, should prescribe in the city charter what powers the municipality may exercise, under what plan of organization it may operate and what standards it

should maintain. The city, in its administrative code, should provide how its powers should be exercised and its standards maintained.

The average charter of to-day is a hodge-podge of powers, organization, standards and detailed business procedure. It not only prescribes the machinery for managing city affairs, but also sets forth in the minutest detail just how, and many times for how much, that machinery shall be operated. Not only is the city authorized or required by its charter to perform a certain public function, but in many instances there are mandatory provisions as to how it shall be done, by whom, how much compensation each official or employee shall receive and many other rigid details, all of which should be left to the judgment of the city administration. This practice is based on the fallacious assumption that the powers of public officials should be so restricted as to prevent possible abuse. Charters usually confer an abundance of responsibility but hamper the public official in accepting that responsibility by depriving him of adequate powers. The inevitable result is inefficiency. "Most of our municipal laws assume that all public officials cannot be trusted," Frederic C. Howe* says, "rather than that all officials must be held to account. They should be drawn to invite efficiency and the responsibility for their working accepted by the people."

City charters, to be effective, must be framed so that municipal government can do things. The tendency has

*From *The City, the Hope of Democracy*, by Frederic C. Howe. Used by permission of Charles Scribner's Sons, publishers; copyright 1905.

been and still is to bind our city administrators hand and foot with restrictive administrative provisions that make efficiency in the administration of public affairs almost impossible. City charters need what Henry Bruère* has described as "the incentive to good administration and the danger signals of bad administration which come from orderly methods of doing business." In our cities, more than in any other political subdivision of the nation, there is need for the greatest initiative and freedom of action in government, yet under most of our charters we find the most numerous restrictions and checks and balances. Why this should be so, it is difficult to determine, for initiative and license should be feared less in city government than in any other, because it is constantly under the searching scrutiny of the closest constituency that any subdivision of government has.

Municipal functions are increasing and expanding so rapidly and becoming so complex that the maximum amount of latitude should be allowed local authorities in prescribing departmental and internal organization of municipal government. In its report to the New York State Legislature following a comprehensive investigation of the government of the Empire State cities in 1920, the Special Joint Committee on Taxation and Retrenchment recommends that "no charter should be granted by the Legislature which prescribes the appointment and fixes the salaries of appointive administrative officials or prescribes in detail the assignment of functions of government to administrative departments."

*From *The New City Government*, by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

The grant of powers which a charter should contain is more important than is generally realized. After a charter has been granted by a state legislature, the city can exercise only the powers enumerated in it or thereafter added. The general rule, according to most authorities, is that municipal corporations have only such powers as are expressly conferred by statute or are necessarily implied in those which are expressly conferred or are essential to the declared objects and purposes of the corporation. Inherent powers are foreign to the conception of the municipal corporation.* The grant, therefore, should be liberal. Conditions in our urban life are changing so rapidly and new factors are having such a potent and subtle effect on the efficient and economical administration of our municipal affairs that power should be clearly and adequately set forth in the charter to meet local needs whenever they arise. It is the experience of cities generally that state legislators are inclined to be more liberal in the grant of powers when the charter is originally enacted or completely revised than when cities ask for additional specific powers.

American communities have been experimenting with plans of governmental organization ever since the first charter was granted to a colonial borough. Every governmental form from the New England town meeting plan to the commission-manager plan and combinations of various parts of these types have been tried in an effort to procure good city government. America has a greater variety of municipal governmental plans

*Except certain powers to regulate public health. See Van Dine's case, 6 Pickering 187.

than any other nation in the world. Yet this experimentation is still as popular as ever. The reason for this is what Raymond B. Fosdick* calls "the apparently ineradicable belief of the American people that in the right mechanical arrangement of a municipal department, if only it can be discovered, lies the solution of the ills that trouble us." Whenever anything goes wrong "the belief gains ground," he says, "that something is wrong with the machinery of organization, some necessary check missing, some element of responsibility inaccurately placed. The law-makers, therefore, under public pressure, begin to tinker with the mechanism." Within the last few years, however, students of municipal government and public officials have been laying less stress on the plan of government and have been emphasizing the need for a more efficient citizenship and personnel of public servants.

Before the real secret of good city government is generally realized, however, the people must be convinced that citizen interest and a competent personnel are the dominant factors. We must not persist in the idea that a city's plan of government is a panacea for all or most of our municipal ills. It is important, but it is not a cure-all. One may have the best automobile that money can buy, but, unless it is operated by a competent person, it will not run smoothly and its occupants are always threatened with disaster. A city's plan of government is simply a vehicle by means of which its people can obtain good government if it is properly operated. The efficiency of its operation de-

*From *American Police Systems*, by Raymond B. Fosdick. Used by permission of The Century Company, publishers; copyright 1920.

pends upon the personnel of the administration; and the citizens are responsible for that personnel. Expectation of better government from charter changes in organization and distribution of power is described by Henry Bruère as "a common weakness of municipal reform in America."

When the plan of municipal organization makes it possible for the people to elect competent officials and to have their will expressed accurately and carried into effect in an efficient manner, it does all that it can do for good city government. The plan, however, is no guarantee to that effect. Everything else depends upon the interest of the citizens and the capability of the officials. "This or that type of government is of importance," says Bruère,* "only to the extent that it lends itself to the smooth functioning of democratic control. We cannot assume that any organic form will give to the people of a city a better government than they desire. The fundamental assumption of democracy is that the people actively and positively desire the best government possible. The machinery of government is of interest and importance only in the degree that it facilitates or obstructs the realization of this desire." Ernest S. Branford concurs in this statement: "The plan does not insure good government, no mere plan can. The people must be alert, interested in their city and its administration and ready to act if their interests are not guarded. No scheme of government can take the place of these qualities on the part of the

*From *The New City Government*, by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

citizens." Good government cannot be secured by legal enactment only.*

A plan of government that is simple, that calls for a minimum number of elected officials, that centralizes power and responsibility and provides for direct accountability of executive agencies, makes it possible for the average citizen to determine who shall represent him best and to decide with reasonable accuracy whether he is being efficiently represented. There is a general agreement that such a plan of government makes misgovernment and inefficiency impossible for any length of time, provided the citizenship is sound.

It is generally conceded that the short ballot principle makes more effective the will of the people both in the choice of their representatives and the expression of their will in respect to the administration of their public affairs. There are some, however, who believe that the more officials the people elect, the more democratic and representative is the government. They contend that the voice of the people is most potential and the power they possess is best executed by their direct representatives. So long as no office is hereditary and the will of the people and not that of the official prevails, democracy remains enthroned no matter how many officers are elected. Popular control of public affairs depends upon the quality, not the quantity of officers elected. Experience has proved that quality depreciates as the number of elective public officials increases.

Diffusion weakens the elective principle. The larger the number of elective officials the more difficult it is for

*Frederic C. Howe.

the people to discriminate in the choice of their representatives and the more confusing it is for those elected to interpret public opinion. When there is a large number of offices to be filled by election and a large number of candidates for these offices, the mind of the voter becomes confused. He has neither the time nor desire to become acquainted with the records and qualifications of so many candidates. The result is that he usually permits some political party or civic organization to think for him by accepting their recommendations. The election of representatives by all the people is thereby made impossible. Instead of representation by and for the people, we have government by the representatives of political parties or civic groups, and often only for them. The concentration of the will of the people in their choice of a few representatives, therefore, makes control more effective and produces a higher quality of public service than diffusion resulting from a long ballot.

The objections to the long ballot have been summarized as follows by Tom Finty in the *Galveston News:*

"First, with a large number of elective officers the government proved cumbersome and unwieldy, responsibility and power being diffused. When really capable men were elected to office, they found it difficult or impossible to accomplish good work.

"Second, with a large number of officers to be elected and generally a number of candidates seeking each office, it being practically impossible for any citizen save the professional politician who devotes all of his

time to the subject, intelligently to choose as between the various candidates for each office.

"Third, the better class of citizens, qualified and honest, refrained from being candidates for office because (a) it was practically impossible for voters to make intelligent choice as between candidates, and (b) it was practically impossible and certainly exceedingly difficult for such men, if elected to office, to accomplish much good therein."

How far the policy of restricting the number of elective officials should be pursued depends to some extent on local conditions, the plan of government and the method of selection. It is generally conceded that those officers who determine public policies should be elected and that purely administrative officials should be appointed. There are, however, some exceptions to this. Many believe that the executive head of the government, even though he is made responsible for all administrative work, should be strictly responsible to the electorate. It is also believed that the fiscal officer of the city, particularly if he has power of audit, should also be elected so as to be independent of all other departments and officials.* In most cities the judges of the municipal courts are also elected.

*"I am quite in accord with your idea that the city auditor should not be appointed by the administrative officer, but I do think that the method of appointment as usually provided for in city manager charters, namely that the city council appoint the city manager, the clerk to the council and the city auditor is a very wise provision and this method of selection, in my judgment, is far preferable to the election of a city auditor. As there are many other municipal positions of even greater importance than that of city auditor that will be taken care of probably in the future by appointment, to make the city auditor an elective one and practically the only elective position aside from the members of a small council, would attach to that position an undue and unwarranted importance. Such a method of selection would

The present tendency of municipal governmental organization is to avoid separation of responsibility and power, diffusion of each and lack of accountability. Indeed, it may be said without fear of serious contradiction that that plan of government which avoids these obstacles to good government is the most efficient and economical. Centralization of power and responsibility in officials directly accountable to the people is now being substituted for the old elaborate system of checks and balances which experience has proved is a failure.

Power and responsibility must go hand in hand. Centralization of power without responsibility is dangerous as it increases the opportunity for corrupt officials to plunder. Under such a system bad government may operate with freedom and security. It also often results in what Elihu Root has described as "invisible government" because those who dominate usurp power but are not responsible to and, therefore, cannot be held accountable by the people. A plan of government which provides only for the concentration of power, therefore, invites corruption and inefficiency. As Charles O. Holly pointed out in a speech during a mayoralty campaign in Des Moines, "a man who is corrupt with little power, will be worse with more, all things being equal." Complete centralization of power without responsibility is despotism and always results in disaster.

Responsibility without power is just as detrimental to efficiency in public service, just as unfair to the public

not provide, in my judgment, as competent an official as would be true if the selection was made appointive and not elective, although if appointive, this position should be independent of the other administrative municipal offices." O. E. Carr, City Manager, Dubuque, Iowa.

servant and results in just as much confusion of the public mind, as power without responsibility is to honest government and popular control. The one makes just accusation against and punishment of officials for corruption and inefficiency almost impossible; the other makes unjust criticism possible.

Many of our plans of government hold officials responsible but deny them necessary power. Mandatory state laws affecting the administration of public affairs and involving increases in the tax burden deprive local officials of power over these public expenditures, but the public generally places upon them the responsibility for making the expenditures and increasing the tax burden. No official can be held responsible for misgovernment unless he has the power either to change or prevent bad practices; neither can he be justly charged with inefficiency when the law will not permit him to make needed changes. Extravagances cannot be charged to him who has no power to control those who practice them.

Each city in New York State having a population of 100,000 or more is limited by the State Constitution to the amount it can raise in any one year for municipal purposes. The budget-making body cannot allow the net annual budget, exclusive of debt service to exceed two per cent of the assessed valuation of the real estate. Included in this limited tax levy is the appropriation for education, of which about eighty per cent is for salaries. A state law gives to boards of education of these cities exclusive authority to fix salaries above a prescribed minimum. Another law directs the mayors of some of these cities to appoint the members of the boards of

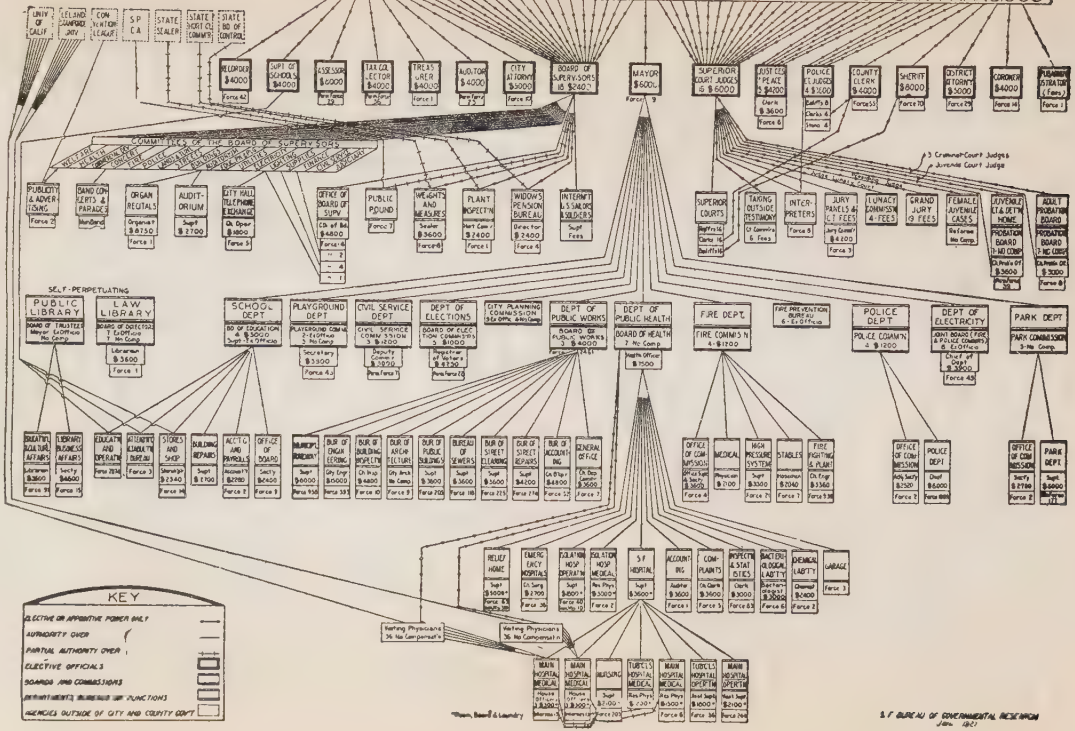
education but deprives him of the power of removal. Here we have one of the most aggravated examples of responsibility without necessary power. The mayor is held responsible for the board of education's acts by virtue of the power of appointment of the members, but he has no authority to remove one of his appointees should necessity demand. The city administration is held responsible for the tax rate for city purposes and for the efficient operation of all city departments, but it has absolutely no control over a large percentage of one of the largest departmental appropriations in the budget, that for education.

Division of either power or responsibility is as fatal to efficient government as is the separation of these. Diffusion of power permits and many times results in a shifting of responsibility. Government under such a condition becomes a farcical game of "passing the buck." Responsibility is shifted from the state legislature to the municipal administration, to the courts, and back to the people; or from the local legislative body, to the mayor, to an independent board or commission, back to the people and on again through the same vicious circle. "If the people want little done, and that little done in an expensive way, we have developed a marvelously effective way of satisfying the people's desires," says Dr. Thomas S. Adams.* "If the people want something done, and want it done economically, responsibility and power must be definitely localized. . . . It means only the definite allocation of power and correlation of responsibility."

When both power and responsibility are centralized

**The Real Estate Magazine,* November 1914.

ORGANIZATION CHART OF THE CITY AND COUNTY OF SAN FRANCISCO



S.F. BUREAU OF GOVERNMENTAL RESEARCH
Jan. 1941

in elective public officials then, and only then, can accountability be enforced by the people. This is one of the essentials of good government. This unification makes it possible for the public to judge accurately the acts of their representatives and to hold them responsible for the kind of government given. There are many who regard with suspicion and fear any governmental organization which involves concentration of power. This fear is based on the belief that those in whom power is concentrated may abuse it and that deliberation may be destroyed. When accompanied by equal concentration of responsibility with enforceable accountability, centralization of power is never dangerous. The electorate is then always in control. As Professor William B. Munro* has pointed out: "A system of division of powers is always certain to counterbalance what is given in security against hasty and arbitrary action what it loses in ability to cope with problems which demand prompt, united and uncompromising attention." Under such a system inefficiency is located and exposed and competency gets the credit it deserves.

Centralized power and responsibility and enforceable accountability are impossible in a decentralized governmental organization. Experience has definitely established the fact that a decentralized organization is uneconomical and inefficient. It makes administrative unity and coördination impossible, results in unnecessary duplication of work, and confuses both the public

*From *The Government of American Cities,* by William B. Munro. Used by permission of The Macmillan Company, publishers; copyright 1912.

and its servants. The New York State Special Joint Committee on Taxation and Retrenchment also learned in its investigation of city administration that "the lack of central control and responsibility leads to over emphasis of the relative importance of certain functions of government and general competition for public funds regardless of financial conditions. In the competition for funds the functions administered by political dominant personalities often receive greater attention than is warranted by their relative importance and by financial conditions."

The most decentralized municipal governments are those which have board and commission organizations. In some cities, this plan has been carried so far that each department of government is administered by an independent board or commission with no coördinating body or official. Government by boards and commissions is now universally condemned for several reasons.

Division of responsibility does not produce efficiency. In the words of Frederic C. Howe,* "A second rate man loaded with responsibility is likely to prove a more efficient executive than a body of first rate citizens whose responsibility is divided." In his summary of the experiences of American cities with police boards, Raymond B. Fosdick† says that their difficulties are "traceable to no other source than the decentralization of authority which that form of control inevitably tends to develop."

*From *The City, the Hope of Democracy,* by Frederic C. Howe. Used by permission of Charles Scribner's Sons, publishers, copyright 1905.

†From *American Police Systems,* by Raymond B. Fosdick. Used by permission of The Century Company, publishers; copyright 1920.

Part time administrative service is unsatisfactory. The New York State Special Joint Committee on Taxation and Retrenchment points out that "the time has passed when a group of public-spirited citizens devoting a few hours each month to board meetings can intelligently direct such activities as public works, public safety, public welfare and financial planning. Municipal government has become too complicated for any set of men with the best of intentions to be able to direct or to contribute anything toward the effective protection of public business without an intimate and thorough knowledge of the details of which municipal government is necessarily composed."

It is uneconomical. Public corporations have to pay for good service the same as private corporations. A department administered by an unpaid board either renders little satisfactory service or it has to retain a paid executive to carry on the work. It destroys coöperation and team work in the administration of public affairs. "An entire system governing all rather than a scrappy system governing parts," says Hamilton, "is one of the benefits of reformed and efficient city control and management." Other inherent weaknesses of the board system are lack of unity in administration and conflict of authority when there is a subordinate executive official.

The only possible advantage gained by the board system is the advice it contributes, but this gain is offset by the impairment of administrative efficiency. "In a multitude of councilors there may be wisdom," says Munro, "but there are also almost inevitably friction, delay and intriguery." The functions of public works,

health, police, fire, park and other administrative departments seldom require deliberation. The proper management of these involves initiative, decisiveness, and skill. These can best be obtained under single-headed leadership. If deliberation is also needed it can be secured without crippling the efficiency of administration by the establishment of advisory boards or councils.

The plan of government should provide for a simple, definite and unified departmental organization with the municipal functions distributed in such a way that officials will have a clear understanding of their duties, and so that the public can definitely place and effectively enforce responsibility. It is desirable, however, that the charter should permit considerable flexibility in the organization of departments and in the distribution of functions.

That type which provides for the short ballot principle and simplified, centralized, responsible government, and permits public opinion to enforce accountability, protects both the public and the officials. To the citizens is given the opportunity to determine first who shall represent them and later if that representation has been adequate; to the public official, the opportunity to demonstrate his efficiency and to have his stewardship judged on its merits.

So varied are the types of governmental organization under which American cities operate that any concise and logical classification of them is impossible. The most uniform classification that can be made is that based on the agencies provided for the exercise of exec-

utive and legislative functions. Using this basis, existing plans may be classified under three types, namely, "the federal," "the commission," and "the commission-manager."

CHAPTER VIII

THE FEDERAL TYPE OF GOVERNMENT

VARIETY OF PLANS—CENTRALIZED AND DECENTRALIZED ORGANIZATION—BOARD OF ESTIMATE AND APPORTIONMENT—POWERS OF MAYOR—ADMINISTRATIVE AND LEGISLATIVE FUNCTIONS—OBJECTIONS TO AND ADVANTAGES OF THE UNCONTROLLED EXECUTIVE—ADMINISTRATION OF FISCAL AFFAIRS—EFFECTIVE FEATURES—A SUGGESTED PLAN

UNDER the federal type of governmental organization all executive and legislative functions were performed in the early days by the common council or board of aldermen with committees of aldermen acting as administrative agents. This is called by some writers the council-committee plan and is classified separately. It is still in operation in some of the smaller American cities.

After the adoption of the federal Constitution, American cities gradually abandoned their simple form of government and imitated the federal model. As cities became more populous and their functions increased and became more complex, governmental checks and balances grew more numerous with the result that systems of municipal government became exceedingly complex and unwieldy. The executive or administrative functions were divided among the mayor, boards or

commissions and the aldermanic body. The council, however, continued to be the chief legislative body, except that in some instances a few regulatory powers were conferred upon separate boards or commissions. Then came the demand for unification and simplification. The result was the separation of legislative and administrative functions. To the mayor was delegated all administrative powers and responsibilities, except in matters relating to franchise and to municipal finance, such as salaries, bonding and appropriations. In most cities working under the various plans, the mayor has a check on the legislative body, he having the power to veto any act of the council. The federal type of governmental organization, therefore, ranges from the highly centralized to the almost completely decentralized. There is general consistency in the legislative branch of cities operating under the federal type of government as they all have a common council. Nevertheless, the organization and powers of this legislative body vary from city to city. There is very little uniformity as to the executive agencies.

The centralized federal type, sometimes called the uncontrolled executive plan, provides for the concentration of administrative power and responsibility in an elective mayor who usually has the veto power over the acts of the legislative body. In most instances his veto may be overridden by a two-thirds vote of the council. Upon the chief executive is also conferred the power of appointment and removal of heads of administrative departments.*

*See graph of organization of government of New York City, opp. p. 138; also graph of organization of Denver, Col., opp. p. 146.

The policy-making body is the common council or board of aldermen, the members of which are elected either by wards or at large. In some cities, a certain number are elected by wards and the remainder at large, and in a few cities, all are nominated by wards and elected at large.

The size of the legislative body varies. Some cities still elect two members to represent each ward. The majority, however, provide for only one ward representative. The tendency is to reduce the size of the legislative body by increasing the size of the wards and electing only one alderman in each. Chicago has adopted the fifty-ward law. The number of wards has been increased from thirty-five to fifty, but as only one alderman instead of two from each ward is provided for, the total number of aldermen has been reduced.

Popularity formerly enjoyed by the bicameral council has waned rapidly because that system has proved a failure. Among the cities which have discarded it in recent years are Philadelphia and Buffalo. Nevertheless, this archaic body is still retained by several American cities. Among them is Richmond, Va., which has a board of aldermen with three members from each of the four wards and a common council with five members from each of four wards. Lancaster, Penn., is governed by a mayor and common and select councils. Providence, R. I., has a council of forty and a board of aldermen of ten members. Only persons owning real estate vote for these.

The modernized and centralized federal plan has two distinctive features. One is a board, generally called a board of estimate and apportionment. This

body is composed of the mayor and certain elective and appointive officials and so organized that it is controlled by the chief executive, the majority being composed of the mayor and his appointees. Although its duties vary somewhat in different cities, most of these boards prepare the annual budget. The council may reduce the amount fixed by the board, except appropriations for state and county taxes and the principal and interest on the city debt, but it cannot increase any of the amounts, vary the terms or insert any new items. The board also approves all franchises, sale of city land and apportionment of the city's share of the expense of public improvements, passes on all matters involving municipal indebtedness before the council can authorize any bonds and has absolute power to determine positions, the number of city officials and employees and all the salaries except those fixed by charter or general law. In general, it shares with the legislative body the responsibility for municipal policies involving public funds. In some cities, this body also has control of the purchasing of supplies by contract and otherwise. In a few municipalities, purchasing is delegated to another board under the control of the mayor but with a personnel slightly different from that of the coördinating financial body.

The other feature is a board of control composed of the heads of departments appointed by the mayor, like that created by the Cleveland, Ohio, charter. This board correlates the work of the entire administration. With the concurrence of this board, the council may by ordinance discontinue any department or division established by the charter, create new or additional depart-

ments or divisions and determine, combine and distribute the functions and duties of departments and divisions.

Among the cities which have charters providing for a highly centralized plan of governmental organization are Cleveland* and the seven second-class municipalities of New York State. Under the Cleveland charter,† which became operative in 1914, the mayor has the power to appoint and remove heads of all departments and the officers and members of all commissions. The council, whose members are elected by wards, is the legislative body. The mayor and the directors of the departments constitute the board of control. The departments established by the charter are as follows: department of law, department of public service, department of public welfare, department of public safety, department of finance and department of public utility.

The uniform charter‡ for the cities of the second class in New York State gives to the mayor the power to appoint and remove heads of departments and boards, except the city treasurer, comptroller and board

*See graph of organization of government of Cleveland, Ohio, opp. p. 124.

†At the November, 1921 election the people voted to substitute the Commission-Manager plan effective January 1, 1924. This charter provides for the division of the city into four districts in the first instance, and thereafter as designated by the council. To no district can be assigned less than five or more than nine members of the council. The council is to consist of tweny-five members and is to appoint the city manager. The presiding officer of the council will have the title of mayor. The city manager will be removable at the pleasure of the council. The charter says that "the action of the council in suspending or removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council."

‡See graph of organization of government of Albany, N. Y., opp. p. 130.

of assessors. These are elected. There is, therefore, centralization of administration of practically all important functions of government except assessment, auditing and collection, custody and disbursement of funds. The charter provides for the following departments: department of finance, department of law, department of public works and department of public safety. The department of education in all except one of these cities is under the jurisdiction of an overlapping board appointed by the mayor who, except in one instance, has no power of removal of any member. The members of the common council, except the president, are elected by wards. The presiding officer is elected at large. The board of estimate and apportionment is composed of the mayor, comptroller, corporation counsel, president of the common council and city engineer, except when the number of subordinates or the salaries in the department of any of the members of the board are being fixed and determined. Then the treasurer temporarily takes the place of the member in whose department the number of subordinates or salaries are under consideration. The board of contract and supply consists of the mayor, comptroller, commissioner of public works, corporation counsel and city engineer. This board lets contracts for the performance of any work or for the supply of any material required by or for the use of any official, bureau or department of the city where the expense of the work or material exceeds five hundred dollars.

In those federal type cities having an extremely decentralized plan of government, both administrative and legislative functions and responsibilities are scat-

tered among the mayor, common council and various boards and commissions.* Among the larger cities, Chicago† is the best illustration of an extremely decentralized plan. There are twenty-four separate local governmental agencies within that city which are independently expending tax receipts and other public money.

The governmental organization of San Francisco‡ is another example of decentralization, although it is somewhat complicated by the fact that the county and city governments are combined. Among the weaknesses in its organization may be noted the following: Fifty-five officials are chosen by the entire electorate. Each of these is independent of any control other than that of the ballot. Administrative and executive powers are delegated to the legislative body. There is an interposition of boards and commissions between the mayor, who is the chief executive officer, and the administrative departments. It is impossible for the mayor to weld the departments under his control into a cohesive governmental unit. Thirty-one administrative subdivisions are entirely independent of the mayor's control. Every important department is directed and controlled by a board or commission, and in most cases without an executive head under the board or commission to control the several activities.

Among the smaller cities, Dunkirk,§ N. Y., is a

*See graph of organization of government of Wilmington, Del., opp. p. 116.

†See graph of organization of government of Chicago, Ill., opp. p. 86.

‡See graph of organization of government of San Francisco, Cal., opp. p. 94.

§See graph of organization of government of Dunkirk, N. Y., opp. p. 108.

good example of decentralization. That city has three entirely independent governments, each of which exercises powers of tax levy and maintains its own purchasing, auditing, accounting and engineering machinery. The general city government is composed of the following elective officials: a small council, the mayor, city engineer, street commissioner, city attorney, tax receiver, sealer of weights and measures, board of assessors and board of police and fire commissioners, and an independent board of health. The members of the boards are appointed or elected for overlapping terms. The two other governments are an elected board of education with unlimited powers of taxation and overlapping terms, and an elected board of utility commissioners with overlapping terms and nearly complete political and financial independence.

All other plans of the federal type vary between these two extremes. In some there are single-headed departments with the power of appointment divided between the mayor who nominates and the council which confirms. Many small cities still cling to the plan of dividing executive functions among the mayor and either committees of the common council or boards. Besides having a bicameral legislative body, Providence, R. I., has its fire department, police department and park department governed by commissions. Each of these is selected by the legislative body, with the exception of the police commission, the members of which are nominated by the mayor. In others, the administrative functions are divided among the mayor and his appointees, other elective officials, and elective or appointive boards. Some boards are elected and

some are appointed. In a few instances, a certain number of the members are elected and the remainder appointed. A few cities have boards, some selected by the council and the others are elected. Boards are partisan, non-partisan and bi-partisan.

Every conceivable kind of board or commission organization, method of selection and degree of power has been devised and can be found in operation in some part of the United States under the federal type. For example, the charter of Hartford, Conn., provides for a mayor, common council and bi-partisan boards appointed by the council. Commenting on this plan Mayor Newton C. Brainard* of that city said: "As is always the case in an organization of this kind, which is the result of slow growth, there is considerable overlapping of duties among the various departments." He might have added that it destroys responsibility and makes accountability almost impossible.

St. Cloud, Minn., adopted an unusual plan in 1911. The charter provided that the people elect at large a mayor, two commissioners, and five councilmen. The mayor and the two commissioners constitute together the city commission, which manages all the city business, votes the taxes and the budget, and spends the money. Each of these three men is the head of the three city departments. The council is a separate body and passes the ordinances, subject to the veto power of the mayor.†

It is generally conceded that far better results are obtained in those federal type cities where administra-

*Personally communicated.

†*City Charter Problems in Minnesota*, 1921, by William Anderson.

tive and legislative functions are performed by different governmental bodies, than where there is either an overlapping of these two functions or both are performed by the same body. When legislative responsibility is centralized in the council and administrative responsibility is divided among the mayor and commissions or boards, or among the mayor and committees of the common council, or when the mayor's appointment of administrative heads are subjected to the necessity of confirmation by the legislative body, then both administrative and legislative work is weakened, power and responsibility are divided and accountability destroyed. The resulting confusion usually befogs the public mind, weak or corrupt officials are able to manipulate government for private gain and intrigue and dissension supplant candor and harmony.

Even in those federal type cities where executive and legislative functions are separated, control over administrative work often lacks uniformity. Each administrative function is administered by a commission or board in some cities. In others, the power and responsibility are scattered among the mayor and a varying number of boards with no coördinating official or body. In an increasing number of cities, however, executive and administrative responsibility is centralized in the mayor.

Experience has demonstrated the wisdom of concentrating all administrative authority in the mayor, —making him the uncontrolled executive,—by giving to him power to appoint and remove the heads of all administrative departments. "In every city in which the mayor has been given independent power of ap-

pointment," observes Professor L. S. Rowe,* "and has been made the real head of the administrative organization of the city, the sensitiveness of the government to public opinion has been considerably increased. Rightly viewed this change involves possibilities of popular control which we have hardly begun to realize." When a mayor's appointments have to be approved by a council, both administrative work and faith in local representative assemblies suffer. As one writer some time ago pointed out: "If this feeling continues to increase in intensity, it is likely to carry us to a form of city government in which the mayor and the heads of executive departments will exercise not only the administrative but also the legislative functions of government." This prophecy was fulfilled with the adoption by many cities of the commission plan.

The objections to the controlled executive may be summarized as follows:

1. Independence of execution destroys continuity of administrative policy.
2. Election of administrators is unsound in principle.
3. The independent executive constitutes a separate city government.
4. Independence of the executive destroys unity in the government.

These objections in the main are based on the fallacious assumption that the uncontrolled executive should be an expert in all municipal activities and that

*From *Problems of City Government,* by L. S. Rowe. Used by permission of D. Appleton & Co., publishers; copyright 1908.

administrative policies and procedure are fixed and controlled by him. The executive should not be expected to be an expert in all branches of city government. The administration of public affairs has become too complex and now covers too broad a field for that to obtain.

The head of each department whom the mayor appoints should be an expert in those functions over which he has jurisdiction. There should be a lawyer at the head of the law department. The department of public works should be in charge of a man versed in the construction of public works, assisted by engineers, water experts and men who have been trained in street cleaning work, the operation of sewer systems, garbage collection systems and disposal plants. The department of public safety should be under the control of a person who is familiar with the work of protecting life and property and assisted by an expert in fire fighting, another trained in police work, and still another who is a sanitarian. A man familiar with finances and auditing and assisted by trained accountants, should direct the finance department. The more important phases of administrative procedure and policies of the chief executive and heads of departments should be prescribed in the administrative code. Governmental standards to be maintained should be placed in the charter. Changes in these should be based upon varying conditions and accrued experience, and controlled by the State and local legislative bodies, with the mayor coöperating.

The experts should be at the head of and in the various departments and bureaus, and under the control

of one who will create harmony, compel coöperation and enforce economy so that the entire administrative service will operate to carry out the will of the people efficiently and at a minimum cost. In the words of the *Des Moines Plain Talk:* "If specialization and the employment of experts are essential to success in modern business, and if accountability and responsibility are imperative to city government as well as in business, then a central dominating mind—a mayor with coercive powers of coördination and control—is a fundamental condition of an efficient city administration. . . . Experts and specialists who are in truth trained men know of little outside their own departments or fields of work. Moreover, they care little for anything else than their specialty. More important still they exalt and magnify the position of their particular office and seek always and very naturally so to extend their work by securing more funds and powers therefor. If we let specialists alone and follow their lead each and all will expand and spread beyond all bounds. . . . What is worse, the expansion of departments in all directions means immediate clash and confusion with one another. Offices and departments will overlap and interlock."

The advantages of the uncontrolled executive may be summarized as follows:

1. The activities of all departments can be concentrated and controlled.
2. Unity of action and effective coöperation in administrative work can be enforced.
3. More efficient and full-time service can be obtained.

4. Power and responsibility are centralized.
5. Accountability is enforceable.
6. Competent and able heads of departments can be obtained.

When a city has an uncontrolled executive the public is apt to credit him with possessing more power than he has and, if there is occasion for it, more glory than he deserves. It sometimes happens that the candidate for office or the official in office is responsible for putting the public mind out of plumb. No legal devices can remedy such conditions. Only education can overcome them. When the official is convinced that the public knows how much power he has, how much he can actually do, he will not attempt to usurp the prerogatives of either the legislative body or others not under his control. When he is taught that government is a continuing function and its and his success depends as much on the ability and loyal public service of those under him as it does on his executive skill, then he will help the public to place credit where it is deserved.

An illustration of the first defect is described by C. D. Hill* in a discussion of the unification of local governments of Chicago. "The policy-forming body of Chicago has been the city council," says Mr. Hill. "It is true that at election time the mayor tells what he is going to do or what he has already done, and he talks about matters of policy, but they are usually things that the city council will be called upon to do or that the city council has done. The mayor cannot

**Journal of Western Society of Engineers,* March, 1918.

carry out any policy in the City of Chicago unless he has the coöperation and sanction of the council itself. Sometimes, in order to carry out this policy, he is obliged to use force, that is, influence, which is more or less harmful. That has been shown in a number of cases. In other cases, the mayor has failed to carry out his policy because he couldn't get the majority on his side. Then we have had conflict and discord and a condition of government which is not at all satisfactory."

A similar condition can be found in many other cities. In New York City the mayor is held responsible by the people for the success or failure of the administration, and many mayoralty candidates have publicly proclaimed before election what they would do when at the head of the government. But both the candidates' and the public's disillusionment fades away when, after the successful contestant becomes the chief executive, he finds that he does not control either the board of aldermen or the board of estimate and apportionment, the two policy-making bodies of the government. His power of veto, if not overridden, can prevent the adoption of bad policies but this gives the mayor only protective power. He is not endowed with any power to compel the adoption of constructive policies.

When voting for public officials, it is customary for the people to think chiefly of questions of policy. Candidates for public office are in a large measure responsible for this state of public mind, as they constantly emphasize policy and very rarely or in a most perfunctory way speak of the need for efficient adminis-

tration. And because policies are emphasized and expounded by candidates for all kinds of offices, whether they are administrative or policy-making, the public fails to discriminate. Its selection of most officials, even though the duties of these offices may be only administrative, is, therefore, based on the policies they advocate. If municipal ownership is popular, the mayoralty candidate who advocates it is elected regardless of the fact that all he can do to advance municipal ownership is to continue to advocate it and to approve the ordinance when passed by the legislative body. The aldermen, who compose the body which can provide or defeat municipal ownership, are rarely considered when voters are deciding the issue.

When selecting a mayor in a city working under the uncontrolled executive plan the public must understand clearly that his chief powers are administrative, and that so far as policies are concerned he has power only to recommend and approve, and not to adopt. The real policy-making officials are the members of the legislative body. When this discrimination is made and the division of powers clearly understood, the personnel of the policy-making body and the executive officers will be improved. This does not require a complete separation of policy-making and policy-executing powers. It calls for a concentration of administrative powers in an uncontrolled executive and a legislative body responsible for the initiation and adoption of policies under the check of the executive's veto power.

A warning against the evils resulting from an executive receiving or usurping credit for success has been

given by Delos F. Wilcox* who says: "Any theory of municipal government which demands to concentrate in one man all the responsibility for everything that is done and to encourage him to take for himself all the glory of successful accomplishments is fundamentally undemocratic and will not in the long run produce efficiency. It is well that men who have important public tasks to perform should be given great power and great responsibility yet . . . the spectacular success of some paragon of administrative ability through a period of two years or four years or even ten years, cannot compare in importance with the orderly development of a staff of employees loyal not to the fortunes of some particular individual who happens to be on top at the time, but to the functions they are performing."

When legislative powers are conferred upon more than one municipal body, as they are in a number of cities, there is as much confusion, irresponsibility and inefficiency in legislative work as there is in administrative work when executive powers are diffused. Municipal policies established by various commissions or boards and the common council, each independent of the other, many times become haphazard, overlap or conflict, resulting in stagnation and blocking of needed reforms or improvements. Decentralization frequently creates opportunity for that vicious practice of evading responsibility, commonly called in official circles "passing the buck." Government becomes chaotic and the public sorely perplexed. For the de-

**Minnesota Municipalities,* October, 1919. Used by permission of the publishers.

termination of municipal policies there should be provisions to insure reasonable deliberation, but the legislative powers should be centralized in one deliberative body which will represent and be representative of all the people of the city.

The importance of the fiscal officer has been overlooked in most federal type cities. In some cities he is elected and in others appointed either by the mayor or the common council or by both. In most cities he is both the collecting and disbursing agent, although in a great many, both of these functions are scattered among various departments and boards. Some have a limited power of audit and others have no such power. A few federal plan cities have a comptroller and a treasurer with financial work divided between the two. The comptroller superintends and manages the fiscal affairs of the city, keeps an account with every department, draws warrants and sees that no funds are overdrawn. He sometimes exercises the power of audit. The treasurer collects, cares for and disburses the funds of the city. He cannot, however, pay out any funds except upon warrant of the comptroller and must render to the comptroller a daily statement of all receipts and disbursements. In many instances, some of his work duplicates that of the comptroller.

Few cities provide for a genuine audit of current accounts. There are numerous instances where accounts are audited in a most perfunctory manner either by a committee of the common council or by the official or bureau or department which makes the purchases.

Experience has demonstrated that the fiscal affairs

of a city having the federal plan are best administered by an elective official in whom is centralized the power of audit of current accounts and the collection, custody and disbursement of funds. There are a number of students, however, who believe that he should not be an elective official. The only deviation from this plan which practice has found to be needed is that which provides that all warrants be countersigned by some other elective official of the city. Under such a plan the fiscal affairs are centralized, the financial officer is in a position to advance an independent opinion on financial problems and policies, he is directly accountable to the people and he can check and audit all of the administrative departments, bureaus and officials which collect funds, purchase supplies or otherwise spend public funds.

There are so many variations of the federal type, and most of them contain so many exceedingly objectionable features, that condemnation of this type of municipal organization generally has been prevalent. With the exception of the old New England town meeting plan, it is the oldest type in America and has, therefore, been subject to the combined attack of the advocates of the newer types. Nevertheless, a careful analysis of the advantages and limitations of each variation of the federal type will be very helpful to those cities seeking the best plan of organization; and a comparison of the advantages and short-comings of those variations which experience has proved to be effective or weak, with those of other types of government, is advisable before any radical changes in governmental organization are advocated.

It is generally conceded that the federal plan has merit when it centralizes legislative and administrative functions in separate bodies, and provides for direct accountability, election of aldermen at large, the short ballot, and the assignment of definite duties to well defined single-headed departments. Very few federal plans provide for this combination. Those that do have been made to bear the odium which other objectionable variations have produced.

There is general accord among experienced students of municipal government that the effective features of the federal plan are:

1. An uncontrolled executive who has the absolute power of appointment and removal of heads of all departments, except the department of finance; also the suspensive veto power.
2. An uncontrolled fiscal officer who has the power of audit and the management of all fiscal affairs of the city.
3. A common council or board of aldermen, elected at large, in which is centralized legislative and policy-making powers subject to recommendations and veto by the chief executive.
4. Well defined single-headed departments with the assignment of definite duties.
5. A board of estimate and apportionment.

Among the unsound principles which have continued in or have been grafted on the federal plan as the functions of city government increased in number, importance and complexity, are the overlapping and

decentralization of administrative and legislative powers among the chief executive, the common council and various boards and commissions.

What would be the federal plan which contains all of these advantages and from which are eliminated all existing limitations? It would provide for an elective mayor with the power of appointment and removal of the heads of all administrative departments, and the veto power; a small council to be the legislative or policy-making body only, and an elective fiscal officer who would be the head of the department of finance; all of the officials to be nominated and elected on a non-partisan ballot by the city at large for a four-year term, such terms to be so arranged that changes in personnel would not handicap efficient administration and legislation by a complete lack of experience; a board of estimate or control vested with absolute power over salaries and wages and concurrent power with the council over appropriations and loans, such body to consist of the mayor, the chairman of the council and the fiscal officer. Such a plan would provide municipal government by a limited council and an uncontrolled,* responsible executive.

With the power to appoint and remove the heads of all administrative departments, except finance, the mayor under the proposed plan would be absolutely responsible for the administration of all the city's

*"I wish you could get some word instead of 'uncontrolled' for describing the new executive. How would one of the following do: unhindered, unchecked, freed, uncurbed, unrestrained, liberated, unfettered, untrammeled, unobstructed, unimpeded? I am not sure, but I think I should use the term 'free' executive in contrast to the 'check and balance' executive."—Dr. Luther Gulick.

business, except that under the jurisdiction of the fiscal officer. He alone would be answerable to the people for giving to them a dollar's worth of service for every dollar they paid in taxes. Policy-executing power and responsibility would be centralized.

Experience has emphasized the need for vesting the power of veto in the head of the government. It is a safe and sure check against hasty or ill-advised action by the policy-making body and gives the opportunity for as complete deliberation as the needs demand. It is an effective agent for city administrations to use in correctly interpreting the will of the people, whenever doubt exists.

By providing for a small council elected at large, one of the principal defects of the old federal plan and its variations is eliminated. Each councilman would represent the whole city in determining its municipal policies. If the council were composed of five persons each elector would have five representatives in the legislative body, whereas under the plan whereby members of the council are elected by wards or districts, each elector is represented only by the councilman elected by his ward.

By making the council only the policy-determining body of the city and depriving it of all administrative powers, the plan would perpetuate a feature of the modernized federal type. It has been argued by some that a council stripped of all powers, except legislative, would have too little to do. If it does its work as thoroughly as the needs of the modern city demand, not only will its members have all they can do, but they will also have to use judgment, forethought and

wisdom. Former Mayor Nathan Matthews* of Boston says in support of a purely legislative body: "The matters over which the city council has jurisdiction are the most important of all, and are sufficient in number and difficulty to occupy all the time and attention which its members can be expected to devote to municipal affairs, unless it is desired that the council should be filled with persons who have no occupation but politics."

If the election and the tenure of each councilman are arranged so as to guarantee the shortest possible ballot and to prevent the possibility of a violent change of policy following an election, the people would be aided in making a better selection of their public servants, than if they had to select a large number at one time, and municipal policies and affairs would in a measure be stabilized. Such a plan would also assist in developing and better insure the carrying out of definite and progressive city policies.

By requiring that the chief fiscal officer be elected, the proposed plan provides a check to prevent grosser forms of extravagance and corruption. In addition to being the collecting and disbursing officer, it has been found advisable to give to the fiscal officer the power of audit. As a safeguard, a number of cities have required the counter-signature of the mayor or some other elected official or his representative on all warrants issued by the chief fiscal officer, when he collects and disburses public funds. An elected fiscal officer with the power of audit would be an effective

*From *Municipal Charters*, by Nathan Matthews. Used by permission of Harvard University Press, publishers; copyright 1914.

check on all administrative departments, bureaus and officials under the jurisdiction of the mayor. He would also be in a position to give an independent opinion either to the public or to the policy-determining body of the city on all policies affecting city finances.

The proposed board of estimate or control* composed of elective officials who are the heads of the three main divisions of the city government under the proposed plan, is somewhat similar to that body in first and second class cities of New York State which has proved its worth. By placing in such a body absolute power to fix salaries and wages of all appointive officials and employees, favoritism would be reduced to a minimum in determining the compensation of individuals and groups. To the powers and responsibilities of such a body should be added the authority to approve loans and to prepare the annual budget, which, after adoption, should be presented to the council for its consideration. The power of the legislative body in most cities where this plan has been operated successfully is limited to a reduction of any item in the budget, except those for salaries and fixed charges which cannot be altered. The council cannot add any item or increase any appropriation. The board and council should have concurrent powers over loans.

The budget is the most important annual document prepared by a city administration. "It is the sailing chart . . . and a document of public information." †

*"I am inclined to think that you place too much emphasis on the board-of-estimate form of organization and that you evaluate it too highly."—Dr. Luther Gulick.

†Dr. Luther Gulick in Proceedings of Eleventh Annual Meeting of the New York State Conference of Mayors and Other City Officials.

It should be an adequate means of planning and control of public information. Because of its importance both to the administration and to the public, it must be prepared with great care, and in the first instance by a body whose members have a broad understanding of all the city's needs, can consider all of the controlling factors together and can determine without bias the proportionate emphasis to be placed upon the various services under the then existing conditions. Such a body as is proposed possesses all of these qualifications.

The plan continues the short ballot principle, and therefore, under ordinary conditions, should carry with it non-partisan primaries and elections for the two reasons given and discussed in Chapter V.

This proposed plan* contains nothing experimental or theoretical. It provides for the short ballot, non-partisan primaries and elections, concentration of power and responsibility for legislative and executive work, separately, in officials directly accountable to the community as a whole. It supplies a check against extravagant appropriations and loans, and provides for the selection of trained officials and experts by appointment. Its governmental structure is simple and its departmental organization may be made to fit the needs of a city of any size.

Each of these features has been tried in one or more American cities and its success demonstrated. It meets what Professor McBain has said the newer types of governmental organization have expressed,—"A manifest and compelling need" and "a change of public

*See graph of proposed plan of municipal governmental organization, opp. p. 158.

mental attitude,"—because it does not require municipal democracy to try to function through a complicated organization, or the public to comprehend or visualize their governmental organization.

CHAPTER IX

THE COMMISSION TYPE OF GOVERNMENT

GROWTH OF THE MOVEMENT—GOVERNMENT BY LIMITED COUNCIL NOT UNIFORM — DEPARTMENTAL ORGANIZATION—CLAIMS OF ADVOCATES —OPPOSITION OF POLITICAL ORGANIZATIONS— ADVANTAGES AND DEFECTS—ANALYSIS OF CLAIMS OF ADVOCATES AND OPPONENTS

THE commission type of government has been in operation long enough and in a sufficient number of American cities, both large and small, to demonstrate very definitely its advantages and its limitations.

Inspired by the early successes of the commissions in Galveston and Des Moines, and influenced by the propaganda of those who had become disgusted with the results of experiments with the federal plan and its variations, the popularity of the commission type increased rapidly for about fifteen years. As the defects of the new type revealed themselves under the test of experience, however, its popularity began to wane and at the present time there is no tendency toward a more general adoption of this plan of organization. In fact many cities have discarded it and have substituted either a simplified federal plan or the commission-manager plan. One of the recent cities to overthrow the commission plan is Lynn, Mass., which substituted a plan pro-

viding for a mayor and eleven aldermen, four elected at large and seven by wards. At the November, 1920, election the people of Covington, Ky., voted to return to the councilmanic plan after having tried the commission type for six years. Wichita, Kan., ousted the commission type in 1917 and Colorado Springs, Col., substituted the commission-manager type in 1921. More than forty cities have made a similar substitution.

The cardinal advantage which the promoters of the commission type of government sought when they devised it, was to substitute centralization of responsibility for the intolerable decentralization of the federal plan and its variations. In doing so they revived and put into effect the principles of the old New England system of town government. This plan, under which many large communities have worked for over a century, provides for a board of selectmen, with a chairman elected at large, in which are concentrated all legislative and administrative powers, except that of appropriating money for any purpose between annual meetings. In the words of Professor William B. Munro, "the use of the word 'commission' has misled many into over-looking a system with which they have long been familiar under a different designation."

Like the federal, the commission type is not uniform in all the cities working under it, although the variations are not so numerous. The plan provides for goverment by limited council. In the council or commission, as it is commonly called, are usually vested all the powers of the municipality, legislative and administrative. Some commission cities have, however, created boards or other official bodies for special purposes.

The commission acts collectively or individually in an executive capacity. However, it collectively controls and is responsible for all administrative functions. The commission is usually composed of a mayor and four members, in some cities called commissioners and in others councilmen. A few cities have a mayor and two councilmen or a mayor and six councilmen. These are elected at large for a period of from two to five years. In some cities the fiscal officer is also elected. He is not a member of or under the control of the commission.

The mayor in almost every instance has no greater administrative or legislative power than any of the other members of the commission. In some cities, however, he has the veto power. St. Paul, Minn., and Houston, Texas, are examples. Huntington, Va., has a novel veto plan. Every ordinance and franchise passed by the commission may be vetoed by what is called a citizen board, consisting of twenty-one persons elected by the people. Three members of the citizen board are elected every three years from each of the seven wards in the city. "If I were writing a charter," says Mayor C. W. Campbell,* "I would oust altogether the citizen board. While it causes us no trouble or delay here, yet I think it is a useless and expensive and unnecessary institution."

The mayor in all commission cities acts as chairman of the commission, is the official head of the city and when the commission acts individually in an executive capacity usually is at the head of the most important department. One member is either elected mayor or is selected by the commission to be the chief executive.

*Personally communicated.

Several commission charters provide for collective supervision, that is, the commission appoints and removes the heads of all departments. These are not members of the commission. The various municipal activities are administered by the commission with the departmental heads acting as its agents. In a larger group, the plan provides for a division of administrative duties. The municipal activities and administrative duties are grouped into at least as many departments as there are members of the commission and each department is administered by or under the direction of one councilman or commissioner. In some cities, the charter provides that either the commission or the mayor shall decide over what department each of its members shall preside; in a few the mayor is designated by charter to be the head of a certain department and in others each councilman is elected as a member of the commission and as the administrative head of a particular department. In St. Paul, Minn., for example, the commissioners are assigned to positions by the mayor. He is without a department. In Buffalo the mayor is designated by the charter as the head of the department of public safety. The council assigns the other four members to be at the head of the other departments. Departments are assigned to the commissioners following each election in Salt Lake City, Utah. In Galveston, Tex., the commissioners are not required to give any definite time to the duties of their offices. They do not look after the detailed management of their respective departments, but simply determine the general policies and select expert superintendents to carry out those policies. The com-

mission charter of Houston, Tex., empowers the mayor to assign each commissioner to a city department. He can change the assignment at any time. All appointments are made by the mayor and confirmed by the council, and, with the exception of the comptroller and the commissioners, any officer or employee may be discharged by him with or without the consent of the council.

The departmental organization under the commission plan* is far superior to that in most of the federal type cities. It is simpler and the lines of demarcation separating the departments are clear and unmistakable so that the questions of jurisdiction are reduced to a minimum. The number of departments usually is determined by the number of commissioners and other elective officials. The division of activities is regulated by the number of municipal functions and the local requirements. When the commission is composed of five members, the organization usually consists of a department of public safety or welfare, department of finance, department of public works or improvements, and department of accounts. There is also a department of law at the head of which is the legal advisor of the city. He is not a member of the commission. In some cities accounts and finances are in one department and public works is divided between the department of public improvements and the department of parks and public property. With this combination there is usually a department of public affairs, presided over by the mayor. Some commission cities have also a department of education and others a department of utilities.

*See graph of organization of government of Newark, N. J., opp. p. 166.

To compare some of the claims that have been put forward by commission government advocates with the actual results with which this type of government can be credited, should have a sobering effect on all who assert or believe that the substitution of one plan of governmental organization for another will insure permanent efficiency and economy in the administration of municipal affairs. Among the advantages claimed for commission government by its supporters but which the experience of cities working under the plan has proved are not guaranteed, and in many instances never even realized, may be noted the following: elimination of politics, "dethronement of the city boss," creation of a new and better civic spirit, unification of public opinion, "salaries sufficient to attract officials prepared for responsibility," economy, "a government at work every day in the year," "provides for the administration of the city the same concentrated executive force working unitedly in its interest which distinguishes every other large corporation," full time service of officials, erects standards of service and makes efficiency the principal requirement of public officials, reduction of taxation, elimination of politics from the police force, better terms for city deposits, improvements in fire department, streets in better condition as to repairs, cleanliness and light; reduction of water rents, increase of wages, raises the credit of the city to par and above, abolishes annual deficits, provides a better quality of work both in the direct service of the city and in the service performed by contract, provides intelligent and efficient municipal accounting.

None of these improvements in the administration of

public affairs is guaranteed by the commission plan any more than by the federal or commission-manager types. The plan contains nothing that does or can compel these requirements. There are many cities of the federal type in which may be found all of these improvements and there are many commission cities which have very few of them. Those who credit these claims to the plan have undoubtedly been influenced by a comparison of some cities before and after the adoption of the commission type; but a comparison with other cities working under another type or a combination of plans and in which efficient administration is equal to or even better than improved commission cities, should convince them that the commission plan is no cure-all for municipal ills. Nor does it in every respect make possible better government than the federal type. After studying several commission cities, Henry Bruère* said: "Commission government as a plan has worked no revolution in the technique of city administrations. It has advanced city business methods only slightly and too often failed to bring them up to the level of efficiency which old form cities in one respect or another have attained."

Two officials with the same capacity for work, the same ability and the same desire for efficient service, one working under the commission plan and the other under the simplified federal type, can give equally good administrative service. Again Mr. Bruère* says that neither popular rule nor the commission plan "teach officials to govern well, and only within the very limits

*From *The New City Government*, by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

of present public requirements do they compel them to govern efficiently. In matters of administration and in the solution of pressing community problems, commission government has exactly the same path to travel as have other American cities."

The persistent opposition of political leaders and organizations has been one of the best assets advocates of the commission plan have had. This opposition has strengthened advance claims that the plan "destroys the city boss" and "eliminates partisan politics in purely business and local matters." The experience of many cities which have adopted the plan does not, however, substantiate either the fears of the politicians or the claims of the commission advocates.

Lowell, Mass., adopted the commission plan in the hope of shaking off the shackles of a political machine. The machine ticket won at the election against the citizens' ticket. Another illustration is given by A. A. Long* as follows: "When the Commission form of government which operated from 1910 to 1917 failed to rid the city of political corruption and inefficient management, there arose in Wichita, Kansas, a demand for the city-manager plan. The recall of a commissioner and the election of a successor even less desirable than the one who had been recalled, demonstrated conclusively that the control and operation of the municipal government had not been removed from the damaging influence of unscrupulous factions and groups. Even the working of the commission itself was featured by wire pulling and political chicanery." Politics was

National Municipal Review, May, 1920. Used by permission of the publishers.

responsible for the dissatisfaction which resulted in the abolition of the commission plan in Covington, Ky. Three of the commissioners formed a combination to defeat the reforms of the mayor and to control the affairs of the city. Political organizations have nothing to fear from the commission plan, as a plan.

The fact is that it is not the commission plan which makes possible the elimination of partisan politics and the "political boss" from municipal government, but the direct primary plan and non-partisan elections. Without these, the dominant political party can get a firmer grip on the government of a city working under the commission plan than it has ever been able to secure under the federal plan or any of its variations. And experience has shown that even with the primary and non-partisan elections, politics is not always eliminated. Unless public opinion is entirely ignored or outraged by the leaders, nominations generally go to those selected by the organization, direct primaries notwithstanding. Non-partisan elections reduce partisan politics to a minimum, but they do not necessarily eliminate politics. Cliques, groups and citizen organizations often control nominations and elections instead of political parties.

The commission plan, non-partisan elections and direct primaries simply give the opportunity to citizens to control nominations and elections. They are an aid to popular rule, but not a guarantee of it. The responsibility for the efficiency of public service rests as much with the people under this plan as under any other type of government. "If the people are indifferent at the primaries and elections," says J. R. Palda, "as has

often been the case at the caucus and election, the result will be the same."

Experience has riddled another claim of the advocates of commission government, namely, that under it men of higher caliber and broader experience would be attracted to public office than under the other plans. Their assumption is that "the distinction which attached to the commissioner's office, together with the consciousness that due credit for individual achievement will not be unnoticed, gives to the position an attractiveness which is all the more effective because allegiance to the ward machine is not necessary to obtain it." Most cities have experienced a change in the personnel with a change in the plan, but in many cities the improvement has lasted only while the novelty of the new plan has existed. Professor Munro examined the personnel of ten commissions or the record of fifty commissioners and found that thirty-seven of the fifty had been connected in one way or another with the city administration under the old régime. This does not indicate that officials under the commission plan are unfit for public office any more than officials under the old régime were efficient public servants. All that it does demonstrate is that the type of government does not materially influence the kind of officials selected. We are, therefore, brought back to the fact that the responsibility for the personnel of a city administration rests solely with the citizens.

The commission plan has proved itself superior in several respects to the federal type and its variations. It has simplified the structure of city government and has removed obstacles which officials working under the

older plans have found to be detrimental to their honest and persistent efforts to give efficient service.

The plan establishes a short ballot and, therefore, simplifies city elections. With the legislative body composed of a few men, the commission plan has proved that it is decidedly better than the older type with one board of fifteen or twenty or with two boards of ten or more members each. The voters have fewer men to elect and the commission is a smaller and more compact body for action.

Objection has been raised by its opponents that the plan is a step in the direction of municipal dictatorship because it increases the power and reduces the size of the governing body and the number of elected officials. The experience of cities working under the commission plan has absolutely refuted this belief. "That the system of administration of a small body of men tends to remove control away from the people is an assertion which the whole history of local government in the United States absolutely refutes," says Professor Munro. "Indeed it has been proven time and again that a single elective officer may in his official actions more faithfully reflect public opinion than a larger body of elective representatives." Mayor George S. Buck,* after an experience of three years as chief executive of Buffalo, the largest city working under the commission plan, gives this opinion: "I do not believe there is any government on earth as democratic or as quickly responsive to popular will as is the commission government."

Responsibility is the great sobering force in public

*In *State Service*, March, 1921.

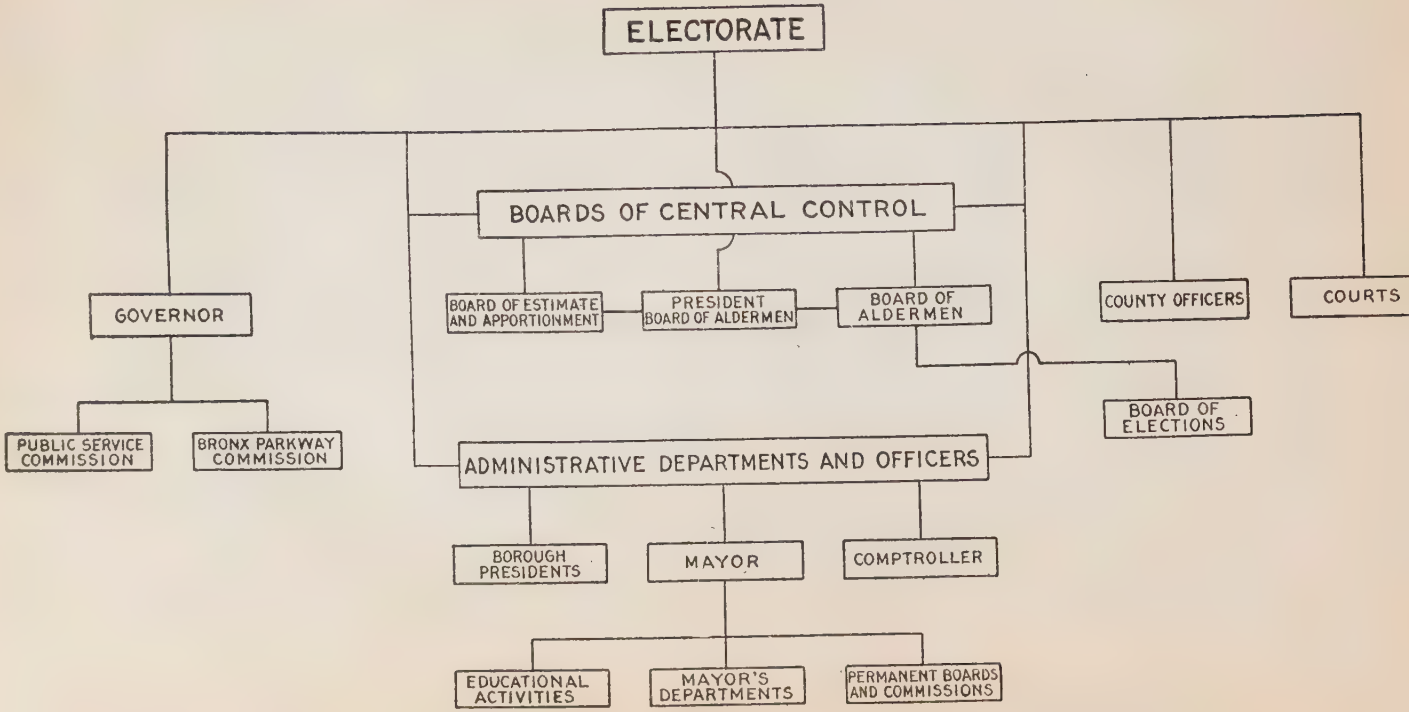
life. The smaller the body the greater is the responsibility, for as one student of government has said, "individual responsibility of representation increases inversely with the size of the representative body." Again Ernest S. Bradford in the 1910 Proceedings of the National Municipal League reminds us that "the number of members of the municipal governing body should be within the natural limits of efficiency for an executive Board. . . . The small council or commission is thus best both from the viewpoint of the voter who must select, from that of the board itself which must administer and from that of the citizens whose welfare demands prompt action from municipal authority."

Another advantage of the commission plan is that it unifies the city as a political organization by abolishing the ward system, thus making it possible for each commissioner or councilman to consider the needs of all parts of the community. This abolishes sectional strife and the pernicious practice of "log-rolling" found in many federal type cities which elect by districts. "Under the ward system," says Mayor George S. Buck of Buffalo, "each man thought only of his own constituents in the little district which he represented. With our council as it is now constituted the people of the waterfront are just as much the constituents of each councilman as the people of the east side or the north side or the south side, and each councilman is just as anxious to see that when the representatives of the waterfront come before the council they shall receive fair treatment and satisfaction as he is to please the people from any other section of the city. But at the

same time each member of the council has a vision of the needs of the city as a whole and does not propose that any section shall secure undue advantage at the expense of the city."

There is also less red tape under the commission plan than under most of the variations of the federal type. Simplification of the structure of government and a more direct relationship between the electorate and the administration are responsible for this important reform. As a result, attention to complaints is more prompt and the transaction of business is facilitated and expedited. Commission cities have experienced a quicker and more accurate interpretation of and compliance with the public will in matters of policy and legislation than have those governed under the old plan. This is because the plan centralizes legislative power and responsibility and reduces to a minimum the possibility of evasion. Mayor Buck describes the experience of Buffalo thus: "Under the old charter, if a citizen were interested in some matter in which action by the municipality was necessary, he was obliged first to appear before a committee of the board of aldermen. If the matter were a really important one, he would have to appear before the board as a whole when the committee made its report. If the board of aldermen gave its approval, then the interested party would have to appear before a committee of the councilmen, and, when the committee made its report, again before the board as a whole, and finally for a fifth hearing before the mayor that he might be intelligently informed before deciding whether to exercise his veto. Under the present charter, the council meets every

THE GOVERNMENT OF THE CITY OF NEW YORK



Wednesday as a legislative body, and every Friday as a committee to give hearings upon all manner of subjects within its jurisdiction. As the entire council makes up the committee which gives all hearings, there is no occasion for any interested citizen to appear more than once."

Much has been said about the commission plan stimulating the citizen's interest in city government. When first put into operation in a city, it has given an impetus to popular demand for better practices and it has increased public expectations. Previous defects in administration have been emphasized, and service has supplanted mere public demands and official desires. It is like the traditional broom which sweeps clean while it is new. While the novelty lasts, citizen interest enforces effective service, but, as Henry Bruère* has observed, the plan "is not a continuing effort to promote efficient government, but a single peremptory reordering of the governmental machine with the expectation that it will work more satisfactorily in consequence."

The disadvantages of or defects in the commission plan have resulted from the provision which makes the commission the administrative as well as the legislative body of the city. These defects may be summarized as follows:

1. Decentralization of administrative power and responsibility.
2. Selection of trained officials and experts by popular vote.

*From *The New City Government,* by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

3. Centralization of the appropriating, auditing and spending of public funds in the same body.
4. Centralization of administrative and legislative powers in the same body.
5. Elimination of administrative accountability.

The directing head of each department, whether a member of the commission or appointed by that body, is under the jurisdiction of the combined administrative and legislative body, and is thereby responsible and accountable only to it. This has produced all of the inconveniences and irresponsibility that inevitably result from a diffusion of executive powers, no matter what the type of government may be. Experience has proved that the administrative side of commission government either is as many-headed as there are members of the commission or that the commission is constantly interfering with the work of the several departments. "I am frank to say," writes Mayor Frederick B. Weeks* of White Plains, N. Y., "that I am not favorably impressed with the commission form of government. I believe there should be one man responsible to the people and that he should have full power both of appointment and removal. In my opinion, in no other manner can efficient service be rendered, and it is manifestly unjust to hold a mayor responsible without making the heads of departments responsible directly to him. Divided authority causes more or less confusion and there should be one man to whom the people may look for action and that man be held responsible by the people."

*Personally communicated.

In several commission cities "log-rolling" with its evil results is as prevalent among departments as "log-rolling" among wards under the federal plan when members of the legislative body are elected by wards. Clinton L. White asserts that "many objections may be urged against commission form city government because of the trades that are made between members of the commission—you support my measure and I'll support yours,—you scratch my back and I'll scratch yours—you appoint my friend as a member of the police force and I'll vote for yours as a member of the fire department." George C. Sikes of the Chicago Bureau of Public Efficiency, also believes that trouble arises when each commissioner is a department head. He says: "There is danger that each department head under a system of courtesy and log-rolling will be permitted to manage his department as he pleases without interference from the commission as a whole." In some commission cities having a commission of five members, the administrative work has in actual practice been divided into five little governments. As the mayor of one of these cities described the situation: "I am the mayor in name only. We have five little mayors."

If the commission interferes in the efficient management of a department head, the public has no one to hold responsible or accountable as the responsibility is divided among all members of the commission. It often happens, as in one of its bulletins the Toronto, Canada, Bureau of Municipal Research has pointed out, that "commissioners quite frequently resent interference by other commissioners with their respective departments." Harmony in both administrative and legislative work

of the governing body then goes glimmering. But if the commission does not interfere when or how it wishes, it does not exercise its executive and legislative functions. Such interference, however, absolutely destroys accountability. But, as Professor F. I. Herriot has pointed out, the commission must, if it fulfills its purpose, constantly upset accountability. Continuing he says: "The commissioners are expected not only to legislate or pass ordinances, but at the same time to manage or conduct the business of that city. Now they cannot do this without constantly and seriously intruding into the several departments. If this is done, accountability or responsibility cannot be enforced on the part of the man in charge of the department interfered with."

Mayors in a number of American cities and students of government are now emphasizing, and experience is demonstrating, the results of decentralization of administrative power under the commission plan, namely, friction, irresponsibility and duplication of effort, because there is no means to compel coöperation among or coördination of departments in administering functions for which no particular department can be held responsible. The administration of all public affairs, these persons point out, cannot be absolutely divided among separate departments. There are always many interesting and important activities that are on the border line of two or more departments. Commissioners have no particular concern about anything relating to administration except that for which they are held responsible, and that includes only those activities within their respective departments. The result is that at least

some of these items suffer for lack of direct departmental attention. Commission government, therefore, does not go to the logical conclusion of concentrating power and responsibility because it provides no apex for the pyramid of local administration. In the minority report of the National Municipal League's Committee on the commission form of government, Ernest S. Bradford made this criticism: "Greater unity in city government, which is coming to be demanded in some commission governed cities, can best be secured by giving to the mayor more power than the other commissioners, thus placing him in the position to properly coördinate the activities of all departments and to compel, if necessary, unity of action. The mayor in this case becomes the managing and directing force of the city." Experience has proven the soundness of this suggestion.

In an interesting review about Nashville's experience with the commission plan, I. R. Hudson* says, that "there was a marked competition among the various commissioners to build up their own departments at the expense of the others, and for a group to turn against one or two of the five and attempt politically to ruin their opponents by refusing to vote necessary funds to a designated department; either through mismanagement or an improper distribution of funds certain departments spent, before the year was out, all of their allotted shares of the annual budget; and the other commissioners refused to vote additional sums to carry on these departments properly. The whole city then had

**National Municipal Review,* March, 1921. Used by permission of the publishers.

to suffer because of mismanagement or lack of foresight on the part of one commissioner, or because of a political quarrel." Further evidence is submitted by T. L. Hinckley* in his description of St. Paul's experience. He says: "After six years of commission government St. Paul, the capital city of Minnesota, is somewhat disillusioned. The complaint against commission rule is the familiar one of lack of coördination of activities. In the opinion of many, this has resulted in duplication of effort and rivalry between department heads, with consequent increased cost of administration."

The experience of East St. Louis, Ill., is described thus by Mayor M. M. Stephens "A majority of the commissioners transact the business of the city, and in our case they have practically ignored the mayor, so that he has very limited power in matters of directing or vetoing anything that the majority may do."

Another feature of the commission plan which experience has proved to be defective is the method of selecting the heads of administrative departments. Under the decentralized federal plan the heads of departments and subordinates are selected by the common council with or without the aid of the mayor. Because political considerations exclusively influenced the making of these appointments, the appointing power was next vested exclusively in the mayor. When the commission plan was launched, patronage was once again placed under the jurisdiction of the legislative body. The objective sought by these changes was ap-

**Minnesota Municipalities,* April, 1921. Used by permission of the publishers.

†Personally communicated.

pointments dictated by reason of merit and experience alone. None of these plans, however, provides any such guarantee nor is there any such assurance. Even under the uncontrolled executive plan, Professor Munro observes: "It may well be doubted whether individual merit and capabilities have counted much more in determining appointments than they did in the days when the council possessed the patronage." Others disagree with this, and assert that the personnel of the administrative force has been greatly improved under the uncontrolled executive plan. Professor Munro, however, does believe that "definite location of responsibility for civic appointments seems, as experience shows, to afford some assurance against gross inefficiency." This seems to be the cause for the improved administrative service which advocates claim results when appointments are made by an uncontrolled executive.

To administer successfully the affairs of these departments of city government, the heads should have professional training, skill and experience. Universal experience proves that such men cannot be obtained by popular vote. Men with training in such lines or endowed with technical skill can rarely be induced to go through a city campaign. And those who are capable of acquiring the necessary knowledge and training by experience in office and can be persuaded to accept the nomination for a commissionership, usually either do not stay in long enough to master the situation or their tenure is so indeterminate that the required study and effort to them seems hardly worth while. "For a brief spell perhaps, we might succeed in getting men of high

average ability," Professor Herriot has said, "because in the first flush of the revival of civic virtue incident to such a radical change, we should compel by draft, as it were, prominent and successful men to take the office. But such a condition would not last. Public favor would soon decline." This prophecy has been fulfilled in a number of cities under the commission plan.

Neither has this method of selecting heads of departments secured the administration of city affairs by experienced men as the advocates of the commission plan assured us that it would. Elective administrative officials in commission cities are usually "transient amateurs" as one writer has described them. If experience is obtained at all it usually comes from somewhere within the department instead of at the head where it should be. When so placed, it is often thwarted by the demoralizing effect of the vacillating policies of the inexperienced departmental executive. The Toronto Bureau of Municipal Research observes these results which it believes the elective method also produces: "Department heads cannot give all their attention to their departments but must invest considerable time and energy in 'mending their fences' for re-election," and "are apt to make appointments come under their jurisdiction with a view to a possible influence on their own chances of re-election."

The combining of legislative and administrative functions in one body is said by many who have studied the commission plan in operation, to be inimical to the best interests of the modern municipality. One writer has declared that "our national tradition of separation of the two powers has not proved the fallacious theory

reformers would have had us believe." There is nothing of importance in the history of commission cities to show that the combination has improved government. On the contrary, administrative work has suffered as a result not only of the many-headed executive, but also of the fusion of functions.

Separation of the appropriating and spending authorities is a governmental principle that has been approved by national, state and local governments. Care has been taken to keep these two jurisdictions separate by requiring the legislative body to appropriate the funds and the administrative heads to supervise the expenditures. Nevertheless, the commission plan makes the commission the appropriating and spending body. This is a radical departure from the principles adopted by American government. In his discussion of the commission plan, Professor Munro says of this feature: "The concentration of both powers in the hands of a single small commission might and probably would serve the interests of integrity as long as men of the right caliber constituted the commission but there are those who see in this fusion of jurisdiction a potent element of danger." But if the commission does not have at least a majority of honest and conscientious commissioners, the people will, as Professor Harriot has said, "find themselves helpless in the clutches of men who both pass the ordinances and budget bills and also attend personally to their execution and administration."

Study and observation of the commission type of government in practice and the experience of cities working under it, proves that the commission plan is

not all, nor does it produce the ideal city government that ardent advocates claim for it. Neither is it the failure and so defective as its opponents assert it is. Both can be justly charged with overzealousness.

The plan does not contain anything which guarantees efficiency, honesty and economy; it simply provides an incentive for better and more economical service. Whether better practices are adopted, better administration obtained, defects in the former systems supplanted by new methods, or the will of the people more correctly interpreted and more efficiently carried out, depend as much upon the personnel of the administration under the commission plan as under any other plan. As Henry Bruère* says in summarizing his observations of commission government at work: "Its adoption has no magic effect on the management of city affairs. It may leave a city just as ugly; it may not prevent lack of attention to public business by officials; it may fail to provide adequately for making citizens informed and concerned about city government." It is a fallacious idea that under only the commission plan can the administration of city affairs be raised to the level of the best private business methods. Efficient business practices can be established and are to be found under all types of organization. Thus, as Professor Munro says, "if essentials are looked after, the exact type of charter does not matter."

Commission government has made several valuable contributions to the movement for good city government. It has demonstrated the effectiveness of the

*From *The New City Government*, by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

short ballot principle, and the value of and need for simplification of governmental structure, concentration of power and responsibility, and making the whole city instead of the ward or district the political unit. The plan has removed many of the obstacles which under older types of organization either prevented or hampered efficient service. It has centralized legislative power and responsibility. It has simplified municipal organization. It has minimized ceremony and emphasized service.

In practice, the plan has shown itself to be weak on the administrative side, by having ignored the need for administrative experts and the concentration of administrative power and responsibility. Its centralization of appropriating and spending powers and administrative and legislative functions in one body has eliminated needed checks and has not demonstrated that our national tradition of keeping these powers and functions separate has been fallacious.

In these respects, it perpetuates the disadvantages and limitations of the old city council-committee plan. If these defects were remedied and the recognized advantages of the commission plan retained, we should have a plan of city government distinctly better than anything that has so far been tried.

CHAPTER X

COMMISSION-MANAGER TYPE OF GOVERNMENT

THREE PLANS IN USE—POWERS AND DUTIES OF CITY MANAGER—THE COMMISSION—TOWN MANAGER—CLAIMS OF MANAGERS—DEFECTS OF COMMISSION PLAN ELIMINATED—RELATION OF MANAGER TO THE COMMISSION—ADMINISTRATIVE MACHINERY — QUALIFICATIONS OF MANAGER — ADVANTAGES AND DEFECTS OF THE PLAN

Recognition of the chief defects in the commission type was expressed in a city charter as early as 1908 when the first commission-manager type of government became effective. It was not until Dayton, Ohio, adopted the commission-manager plan, which became operative on January 1, 1914, and attracted nation-wide attention to it by offering the managership to men with international reputations, that the plan became at all popular. From that time, however, the movement spread rapidly until, at the present time, over two hundred municipalities are working under this type of governmental organization, many cities having substituted it for the commission type.

Like the federal and commission types, the commission-manager plan has its variations. These may be divided into three groups: the genuine commission-

manager plan, the modified-manager plan and the ordinance-created manager plan.

In the genuine commission-manager plan, the council or commission does not assume the actual executive management of the city departments as in the commission plan, but the administrative work is delegated to a manager. Under the commission plan in most cities, each commissioner is either elected or appointed as the administrative officer of one or more departments and he appoints his subordinates, sometimes with and sometimes without the approval of the other members of the commission. Under the genuine commission-manager plan, the commission appoints a chief subordinate administrative officer, know as the city manager, who appoints some and, in many cities, most of the heads of departments and all subordinate officers and employees. Although differing in these two respects, the commission and the commission-manager types resemble each other, because, quoting the words of Professor Howard L. McBain, "in the last analysis the commission or council is the government in both cases," just as it was in the early council-committee plan. The following section of the Dayton, Ohio, charter presents these two new features which the commission-manager plan has introduced.

> Section 3. General description.—The form of government provided in this article shall be known as the "commission-merchant plan," and shall consist of a commission of five citizens, who shall be elected at large in manner hereinafter provided. The commission shall constitute the governing body, with powers as hereinafter provided to pass ordinances,

adopt regulations, and appoint a chief administrative officer to be known as the "City Manager" and exercise all powers hereinafter provided.

Section 48. Powers and duties of the city manager.—The powers and duties of the city manager shall be: (a) to see that the laws and ordinances are enforced; (b) to appoint and, except as herein provided, remove all directors of departments in both the classified and unclassified service; all appointments to be upon merit and fitness alone, and in the classified service all appointments and removals to be subject to the civil service provisions of this charter; (c) to exercise control over all departments and divisions created herein or that may be created by the commission; (d) to attend to all meetings of the commission, with the right to take part in the discussion but having no vote; (e) to recommend to the the commission for adoption such measures as he may deem necessary or expedient; (f) to keep the commission fully advised as to the financial condition and needs of the city; and (g) to perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the commission.

The commission usually consists of five members, elected at large, who give only a part of their time to municipal work, and are either unpaid or receive nominal salaries. The mayor is a member of the commission. He acts as chairman and is the official head of the city. His powers are usually no greater than those of any other member of the commission. In a few instances he has the veto power as well as a vote in the commission. He is usually elected to the office, but in some instances he is selected by the commissioners. A

few charters provide that the commissioner receiving the largest number of votes shall be the mayor. There is some variation in the power of appointment granted to the city manager. Some charters give to him power to make all appointments. Others delegate to the commission authority to appoint certain officials, such as those in the financial, legal and judiciary departments. This, for example, is the plan provided in the Acts of the General Assembly of the State of Virginia.

The modified-manager plan is one in which some fundamental principle of the genuine plan is lacking.* In some of the small municipalities the members of the commission are elected by wards or districts. The initiative, referendum and recall are not included in the modified plan. In Hickory, N. C., for example, the mayor is elected at large and each councilman must live in the ward he represents, although he is also elected at large.

Elizabeth City, N. C., elects a mayor and two aldermen from each of four wards. In East Cleveland the people elect five commissioners, five members of the board of education and a judge of the municipal court. The commission appoints a city manager, a sinking fund commission and a director of finance. The city manager acts as the director of public service and director of public safety. He appoints a director of law, director of health, civil service commission, with the approval of the council and all other employees.

The Anoka, Minn., charter provides for five departments, each under the superintendence of one of five

*See footnote, page 104 for description of new charter for Cleveland, O.

commissioners. The following officials are appointed: manager, city clerk, assessor, city attorney, city engineer, chief of police, chief of the fire department and board of health. The commission is empowered to "place in charge of one of such officials the functions and duties of two or more of such officers" whenever it deems it wise.

A peculiar plan has been adopted by Charleston, W. Va. It provides for a board of twenty members and a mayor who receives not less than $3,000 a year. The mayor appoints the solicitor, police chief and all patrolmen, humane officer, building inspector, collector, city auditor, engineer, health commissioner, lock-up keeper, and fire chief. None of these appointments requires the confirmation of the council or city manager. The mayor has the complete power of removal. He also appoints the city manager, but this appointment must be confirmed by the council. The manager may employ one clerk, at a salary fixed by the council, and such other help as the council may allow. To the manager is given "supervision and control of executive work and management of the heads of all departments under his control as directed by the mayor."

It is called an ordinance-created plan when the position of city manager is created only by an act of the local governing body. This has occurred in only relatively small municipalities operating under the commission, federal or village type of government. After the people of Watervliet, N. Y., had voted to replace the federal type by the commission plan, the first commission elected created the office of city manager. Altoona, Penn., was governed under the commission plan from

1913 until 1918 when the commissioners, who had been elected on a platform pledging them to adopt the comsion-manager plan, created by ordinance the office of city manager. He in reality acts as deputy superintendent of all departments other than that of public affairs, over which the mayor presides.

Wilmette, Ill., has the village form of government. The manager is appointed by resolution and has charge of and supervision over all departments, each of which has a head. The manager coöperates and advises with each department and is responsible for all. The manager of the Borough of Sewickley, Penn., describes his work as follows: "I hold a position of borough manager of three boroughs. In one borough, I am the administrative head of all functions and have the power of appointment and dismissal. In another borough, I am supposedly the administrative head but have not the power of appointment of the chief of police; neither do I have anything to do with the water works, which is conducted by a separate commission. In the third borough, I am again administrative head, and, although I have never had occasion to use the authority for dismissal, I feel that there would be no question of it if the occasion arose."

The duties of a town manager are outlined in the following ordinance adopted by the town of San Anselmo, Texas:

> The Board of Trustees of the Town of San Anselmo do ordain as follows:
>
> Section 1.—The office of town manager of the town of San Anselmo is hereby created and estab-

lished. The town manager shall be appointed by the board of trustees of said town and shall hold office during the pleasure of said board. The town manager shall receive such compensation for his services as the said board of trustees shall from time to time determine.

Section 2.—It shall be the duty of the town manager and he shall have power:

1. To see that the laws and ordinances of the the town are enforced.

2. To exercise control over all the departments of the city and direct the work of all appointive officers.

3. To employ and dismiss all town employees.

4. To superintend the construction of all public work within the town.

5. To approve or disapprove the requisition for the purchase of any article or articles for the said town, by any department or officer before the purchase is made.

6. To attend all meetings of the board of trustees and to recommend to the said board for adoption such measures as he may deem necessary or expedient.

7. To keep the board of trustees fully advised as to the financial condition and needs of the town, and

8. To perform such other duties as may be prescribed by ordinance or resolution of the board of trustees.

PROVIDED, however, that any and all acts of the said town manager under this ordinance, shall be subject to the approval and control of the board of trustees of the town of San Anselmo, and they shall have power to correct and set aside any action taken by him under this ordinance whenever they shall deem it proper to do so; and provided further that the legal department of said town and the town attorney are hereby expressly excepted from the operation of this ordinance.

Section 3.—All officers, and departments of the said town, except as in this ordinance provided, are hereby declared to be subject to the control of said town manager, and no officer or department of the said town shall incur any indebtedness upon behalf of said town until a requisition for the same shall have been first presented to the town manager and shall have received his approval. Any violation of this section shall render the person so violating subject to immediate discharge from the employ of the said town.

Section 4.—The town manager shall, before entering upon the discharge of his duties, execute a bond in favor of the town of San Anselmo with two or more good and sufficient sureties or a surety company licensed to do business in this state, conditioned for the faithful performance of all duties required of him by law, in the penal sum of one thousand dollars.

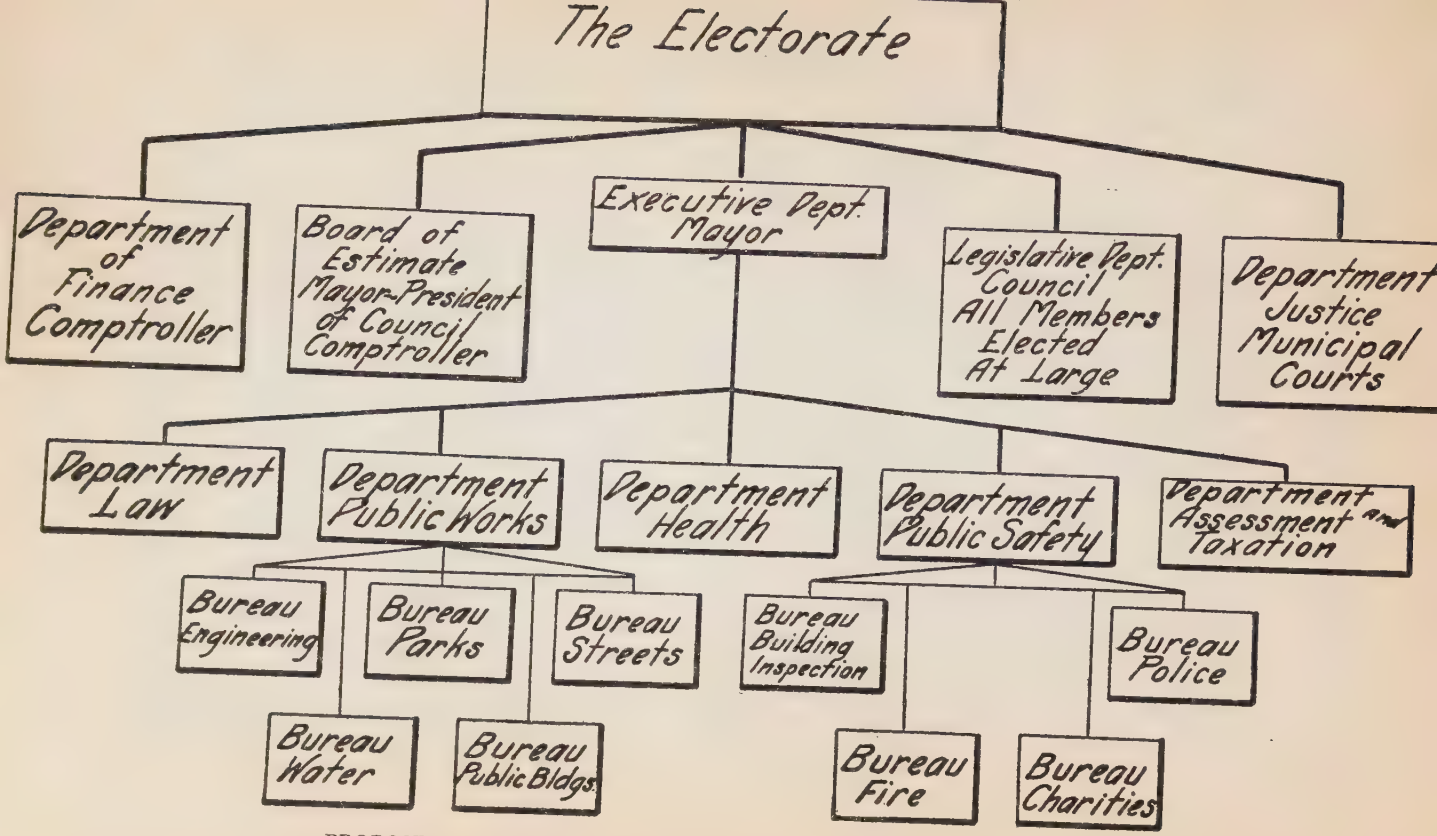
These near-manager plans have proved by experience to be the least successful of any, except in villages. The *Fifth Year-Book* of the City Managers' Association says that "out of a total of fifty-seven such experiments, nineteen have been discontinued after a short trial,—one out of three has failed. . . . More than that, a

study of the tables reveals the fact that the majority of men serving as managers in ordinance-created positions are local men of little training and low salary. There are some notable exceptions, and where the old type commission form already exists, as in Pennsylvania, the addition of a manager by ordinance approximates the true commission-manager plan."

In many villages* the plan has proved its superiority over the old village government. The work can be supervised and conducted by an official who devotes his entire time to the duties. This results in greater efficiency than when there is general supervision by a president who is compelled to give most of his time to personal business.

Like the commission type, the commission-manager plan has simplified the machinery of government. In some respects it is possible under the latest type to effect an even simpler, more efficient and more flexible plan of departmental organization than under the commission plan. Where the commission plan provides for the division of administrative duties among the commissioners, there usually can be only as many departments as there are members of the commission. In a small municipality, this may require a greater division of activities than is necessary and in a larger city it may necessitate a grouping of activities not conducive to efficient administration. Under the commission-manager plan there may be as few or as many departments as local conditions and the size of the city demands. All who have ever planned an organization to handle

*See graph of organization of government of the village of Winnetka, Ill., opp. p. 180.



PROPOSED PLAN OF MUNICIPAL GOVERNMENTAL ORGANIZATION

different functions of city government concede that there are certain divisions which are fundamental. These are legal, finance, safety or welfare, public works or service, and education. Some cities have divisions of safety and welfare. Under the commission-manager plan it is contemplated, especially in the larger cities, that there shall be chosen by the manager a director who is responsible for the conduct of each of these departments. In the smaller cities convenient adjustments and combinations are made as the amount of service required makes necessary. In most of the villages and towns having this type of government, the manager does all the administrative work with the assistance of foremen or superintendents, and in some of the larger communities he is the head of one or more departments. The department of education is generally administered by a board, either elected or appointed by the commission.*

A number of commission-manager charters provides for the appointment by the commission of the head of the finance department, some that he be elected and others that the city manager make the appointment. Several commissions and managers have found it helpful and advisable to appoint various non-salaried advisory boards and commissions, such as health councils, grade crossing commissions, harbor commissions and the like.

There is nothing in the commission-manager plan that guarantees any revolution in the technique of city administration or in the honesty or efficiency of public

*See graphs showing organization of the governments of Alhambra, Cal., Portsmouth, Va., and Watertown, N. Y., opp. pp. 184, 174, 188.

servants. The city managers report that floating debts have been wiped out, disbursements kept within appropriations, bills paid only once, politics eliminated, "machine rule" smashed, tax rates reduced, one-man power obliterated, audit systems established, governmental operation as efficient as private business, and scientific budgets, accounting systems, time reports, cost records, uniform departmental records, service records, centralized purchasing and other efficiency methods adopted. Many of these improvements have been made by some cities after the adoption of the commission-manager type, and nearly all of the city managers have instituted some of these reforms; but it is not the plan of government that was responsible for them. Most of these reforms could have been put into effect under the old plan.

The Newburgh, N. Y., city manager in his 1921 report to the commission says he "was much surprised to learn how disorganized the different departments had become." He was "unable to discover where one department was functioning with another" and "the heads of departments had ceased to assume responsibility for the work of their departments." All of this had taken place under a commission-manager charter. Like the commission plan, this type does not guarantee. It only makes possible and provides the incentive. No commission-manager city is getting any more for its money than any well-governed city under any other plan of government. These reforms, these systems of efficiency are not unique in commission-manager governed cities, nor are they to be found in all cities having this type of government.

The City Managers' Association in a foreword in its *Fifth Year-Book* warns its readers to keep "three thoughts in mind" one of which is that: "government cannot be measured by the tax rate. . . . Real success lies in selling the most good government to satisfied taxpayers." Lent D. Upson, Director of the Detroit Bureau of Governmental Research, who has written and said much about the success of the commission-manager plan in Dayton, in the *Real Estate Magazine* in 1915, made this comment: "Cheapness is no more a criterion of good government than it is of good clothes, good tobacco or of good household necessities." And so it is with commission-manager government. A reduced tax rate does not necessarily prove that it is better than any other plan. In order to make a good showing during his first year in office, one city manager in New York State left out of his tax levy an appropriation of several thousands of dollars that should have been made for public schools. Later bonds had to be issued to pay the deficit. In another the cost of the care of the poor was transferred from the city to the county tax. H. C. Toulmin* describes the government of Dayton previous to the adoption of the commission-manager plan as one "by deficit with no check on expenditures. . . . In six years the total deficit amounted to $360,000 or an average of $60,000 a year. In 1912 alone, the council made the barefaced appropriation of $1,051,300 upon an acknowledged income of $943,000." In 1917 according to the report of the city manager, Dayton, under the new plan, had a deficit of

*From *The City Manager, A New Profession,* by H. C. Toulmin. Used by permission of D. Appleton & Co., publishers; copyright 1915.

$83,000. The *Fifth Year-Book* of the City Managers' Association has this to say about Dayton's activities for 1918: "The city ended the year with a deficit. It was created knowingly with the knowledge that life and property must be protected, and the expectation of redeeming the deficit after the close of the war or as soon as a higher tax rate could be authorized." Springfield, Ohio, another commission-manager city, also reported a deficit for the same year. The Newburgh, N. Y., city manager in his 1921 report says he "was surprised to learn that while the bank account showed a balance of $5,281.85 in the general fund there were over $32,000 of bills unpaid dating from 1915 to 1919 (the city has been under the commission plan since 1916); a certificate of indebtedness amounting to $74,887.64 unpaid; that in the water department fund, while there was a bank balance of $10,671.42, there were certificates of indebtedness amounting to $47,000 unpaid and over $3,000 of bills due that had not been paid." Buffalo, N. Y., a commission city, had a deficit in 1920 as did also Troy, N. Y., a federal type city. These facts are given to show that the type of government is not responsible for nor will it prevent deficits.

Dayton may be referred to again to explode another theory of the ardent advocates of the commission-manager plan. In answer to the question as to whether or not the commission-manager plan in his city is "boss proof," Henry M. Waite, while city manager of the Ohio city, made this reply: "Not at all. They can corrupt the city under the system even more completely than under any other. That in itself is an argument in its favor. All power lies with a commission of five men

who are elected by popular suffrage. If the people elect five politicians, these five politicians can dismiss the city manager and choose one with whom they can plunder and betray the city in every conceivable way."

In giving his opinion about the short-comings of the commission-manager plan, the corporation counsel of one of these types of cities says: "The one which comes first to mind is the ease with which such a form of government may be subjected to political manipulation. This feature would be quite as likely to be a source of strength as a source of weakness, but it might, of course, constitute a serious danger to good municipal government, and it is almost universally so regarded."

There is no more justification for the claim that the commission manager type eliminates "national partisan politics from city government" than that the commission plan is responsible for the abolishment of this influence in the administration of municipal affairs. Only to the direct-primary plan and the non-partisan election can credit be given or claimed for this reform. In those commission-manager cities where partisan elections are still held partisan politics has as much influence as it did under the old régime. William Dudley Foulke, former president of the National Municipal League, detected the danger of political manipulation when the plan was first advocated and issued this warning: "It is of the highest importance that any city adopting the manager plan should not omit any of the auxiliary features accompanying it. . . . It might be susceptible to perversion in the interest of a boss or a political clique in cities with an inadequate and undeveloped public opinion. In that case, the superior efficiency of the

manager system may actually increase the danger of boss rule, for a political manipulator who can control a bare majority of the commission can elect his manager also and thereby control the whole administration, impose taxes *ad libitum* and spend the money at will. It is, therefore, evident that the preference of one system over the other is largely a question of the adaptability of the particular form to the habits, the prejudices and the political conditions of the city to which it is to be applied."

Several other advantages claimed for the commission-manager type, failing under the test of experience, have been discarded. One of these is that it "permits comparative permanence in the office of chief executive." Experience has proved that commissions, which control the appointments of managers, are about as fickle as bodies of voters. In its *Fifth Year-Book* the City Managers' Association has this to say about the high "mortality rate" of managers. "There have been 229 men appointed as city managers. Of this number 101 are no longer in the field. . . . Of the 128 listed only forty-four have served two years or over; thirty-nine one year; forty-five less than one year." This high "mortality rate" may in part be the result of the great difficulty which cities have had and are still having in finding men of sufficient capability and training to fill the position of manager, especially in the larger cities. In fact, this difficulty is advanced by many as one of the disadvantages of the plan. "The greatest defect in the system," writes the corporation counsel of a New York State city, "lies in the fact that there is practically no material from which to fill the office of

city manager acceptably. We have had three city managers (in three years) and not one of them has had the slightest conception of the position, speaking from a broad standpoint. I see no way to remedy it until people generally can be educated to realize that municipal government is a profession by itself and requires a definite and specialized training. When it is generally realized, the present university courses can be amplified; and a university training supplanted by the same practical experience in municipal government which the university student can now obtain in the business world."

Another claim is that it "eliminates one-man power." That is true; but it makes possible and in some instances has resulted in the substitution of an even more vicious practice, namely, the subtle, unseen power or influence of five men. When this occurs, effective accountability is destroyed. It is far better to have one-man power in the open where the people can get at it, than to have that power divided among and wielded by three or more men whose actions are screened by an agent under their control.

The commission-manager type has retained all of the advantages and eliminated some of the defects in the commission plan. It has continued the short ballot principle and therefore the simplification of elections, as the commission is the same. In most instances it has retained the city, instead of the ward, as the political unit. The structure of government is as simple and probably better than that under the commission type. It certainly is more flexible, which is an improvement. Centralization of legislative power and responsibility

in the commission is also continued. As an aid in stimulating citizen interest in city government, the commission-manager type is about as effective as has been the commission plan.

Commission-manager government has abandoned the plan of attempting to select trained experts and officials by election. In doing so it has revived one of the principal features of the simplified federal plan. This has resulted in a noticeable improvement in the personnel of the various departments in many commission-manager cities. This change has also eliminated the practice of "log-rolling" among departments, prevalent in commission cities. The plan does not guarantee the capability of department heads, but it does make possible such a choice, while the commission type practically prohibits this by the very nature of its organization which requires its elected members to act as department chiefs. By removing requirements of technical and administrative ability and the need for full-time administrative service by each commissioner, it broadens the field of popular choice of commissioners, and makes membership on the commission more attractive to men of ability as there is no need for them to interrupt their private careers.

The feature of the commission-manager plan which has attracted the most attention and has caused the most discussion is the provision for the appointment of the chief administrative and executive officer of the council or commission. Advocates of the plan assert that this is its principal advantage; opponents that it is its greatest defect. A clear and definite understanding of the duties of a city manager and his relations to the council

and the people must be had before the merits of these conflicting claims can be appreciated and determined.

There is a difference of opinion among advocates of this type of government and even among the city managers themselves as to the degree of control the commission should have over the administrative heads. The theory of the plan is that the commission shall have full power and authority to exercise all powers conferred upon the city, and shall be responsible for the character of the administration, as it, and not the manager, is directly accountable to the people. Nearly all commission-manager charters, however, have attempted to centralize executive authority in the manager by requiring the council to direct him or his subordinates only through ordinances. "They must exercise their control over actual administration by acting upon the manager *per se* and not upon his individual acts," as Professor McBain explains. The following section from the charter of Norfolk, Va., illustrates how this arrangement has been written into law: "Neither the council, nor any of its members shall dictate the appointment of any person to office or employment or prevent him from exercising his own judgment in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager either publicly or privately. Any such dictation, prevention, orders or other interference on the part of a member of the council with the administration of the city, shall be deemed

a misdemeanor, and upon conviction thereof the member so convicted shall be fined not exceeding one hundred dollars and may, in the discretion of the court, be removed from office." To quote Professor McBain again on this point: "The actual operation of the letter and spirit of that law will necessarily depend upon the degree of coöperation that is maintained between the council and the manager."

One of the city managers of Sumter, S. C., formulated these two principles which he believes are essential to the success of the commission-manager plan: "First, the responsibility and duties and authority of the city manager should be clearly set forth; second, it should be a misdemeanor for a commissioner or councilman, except in official session, to interfere in any way with the authority of the city manager." This in substance represents the views of one group. It is from this group, too, that has emanated so much talk about the need for a protracted tenure for the city manager. "As to the various plans that city managers prefer," writes City Manager E. L. Wells, Jr., of San Angelo, Tex., "I judge the one giving complete authority and complete responsibility would be the most acceptable to the majority of them." He disagrees with this plan, however, and expresses the views of another group as follows: "I do not believe in this plan, however, except in cases where a man of large caliber earns these privileges and even then it is not entirely desirable. The authority and the responsibility should be gauged just as it is in a business corporation. . . . I believe it is impractical to specify the exact

duties of the city manager in the city charter. His authority should vary according to the make-up of the commission, the character and ability of the city manager and perhaps the changing circumstances as it does substantially in private corporations. The commission should determine."

We, therefore, have absolutely different views by two groups of commission-manager advocates—the one, which is composed chiefly of city managers, contending for an uncontrolled appointive administrative head; the other for a controlled executive.

The prevailing opinion is that the city manager must be strictly the servant of the council with no independence. If he were not such a servant in fact, power without responsibility would exist, as the ultimate responsibility to the voter resides, not in the manager, but in the commission. Then, too, there would be a danger, as Dr. Herman James of the University of Texas has pointed out, "of giving too much prominence to the city manager and so inevitably making him a political issue. He should certainly remain in the background as far as the public is concerned." Another reason is given by A. I. Anglin*: "The eclipsing of the representative council or commission by any appointed officer will tend to inhibit the self-governing instincts of the people, a decided danger to the advance of democracy." Richard S. Childs, an advocate of the commission-manager plan, struck the key-note when he said at one of the meetings of the City Managers' Association: "If the commission is to be held respon-

*Canadian Municipal Journal, November, 1920. Used by permission of the publishers.

sible ultimately for every detail of the city management, the power to interfere must be left to it."

There is, however, another influential factor which determines in actual practice the powers of the city manager and his relations to the commission. He is appointed by the commission, which also controls his tenure. The commission or a majority of it has absolute control of him. He is its agent and cannot take, seek or interpret orders from the people except through the commission. If he attempts to do otherwise, he loses his job as did R. C. Howe, ex-city manager of Beaufort, S. C., when he undertook to reform that town in spite of the commission by trying to enforce certain features of the tax law which had never been enforced, with the result that many property owners were heavily in arrears. The experience of a former manager of Phoenix, Ariz., is another illustration. He started to administer the town according to his ideas, which were stricter than those of the commission, and as a result he lost his job. In the last analysis, the city manager, no matter how expert he may be, can carry out the public will only as the commission interprets it. No matter how many prohibitions may be written into the law and penalties prescribed for infractions of those prohibitions, as long as an official or commission is held responsible, is directly accountable to the people, and controls the appointment and tenure of an executive, that official or body will absolutely control his acts or substitute someone who is docile. "The truth of the matter is," says Professor McBain in summarizing his argument against this feature of the commission-manager plan, "you cannot write into law a precise division

of functions between two authorities when the tenure of one is absolutely at the mercy of the other." In its final analysis, therefore, the commission-manager type revives the system created by the council-committee plan and continued by the commission plan of a concentration of administrative and legislative control in the council. In only the method of exercising the administrative control do the types differ. Under the old plan the council acted directly upon its subordinates. Under the commission-manager plan it administers through a single chief subordinate. In practice this new method has proved its superiority over the plan of administering through committees, commissions or a number of subordinates. It has improved the personnel of the administrative staff. It permits the employment of a chief subordinate trained in municipal work and makes possible more effective coöperation among all municipal agents. The degree of efficiency and coöperation cannot, however, be ascribed to the plan itself, but to the practice which the plan permits, but does not require.

As long as the commission actually decides how the affairs shall be administered and controls the appointment and tenure of the city manager, the claims that this type of government "creates a single-headed administrative establishment," "fixes absolute responsibility for every administrative act," "insures team work among all departments," "leaves the lines of responsibility unmistakably clear," "results in administration by experts," are as fallacious as many of the statements made by the advocates of the commission plan when that type of government was in its ascendency. It does not create a "single-headed administrative estab-

lishment," as the commission of three or more men, is the administrative agent of the people. All that it does is to establish a single-headed administrative agent of the commission. It is to the council that the people must continue, as under the commission plan, to look for efficiency in the administration of public affairs.* It does not fix "absolute responsibility for every administrative act," because that responsibility may be shifted between the city manager and the commission as a whole or a majority of the commission. The "lines of responsibility" when such conditions are possible, are not "absolutely clear." Experience has proved that it does not "insure team work among all city departments." Subordinates have been known to appeal to responsive friends on the commission, and commissioners have been known to ignore the city manager in dealing with departments.

It does not of necessity result in the administration by experts. Ashtabula, Ohio, appointed first one of its own members as city manager and then a local postmaster. Newburgh's second manager was a physician. Most of the city managers, however, have been trained

*"To me the most important single failing of city manager form of government is the lack of political leadership. It is human nature for the voters to demand some one individual to stand up as their political leader and public educator on matters of municipal concern. Take any of the cities that have recently been involved in traction or public utility disputes. There must be some one man in the community who not only can talk for the public, but can help them see their way out of the morass. The man who does this is generally the mayor. If a city manager undertakes to do the job, he gets into politics and is thrown out later. If the city manager does not do it, then some member of the city council, perhaps the so-called mayor, must undertake the job though he is not expected to give much time to city work as a rule and is not well acquainted with the administrative side of the government which is generally of importance in most of the city's governmental problems."—Dr. Luther Gulick.

in some one branch of public service. Of the persons holding the position in 1919 thirty-one per cent were college trained, forty-eight per cent were engineers and seventy-five per cent had previous experience in public service. Although charters attempt to require the appointment of experts in subordinate positions, in practice the plan has conclusively proved that it does not insure this expert ability. Commissioners have been known to use their appointive and dismissal power to influence the manager's appointments.

So much has been said in connection with this type of government relative to the necessity of having a municipal expert as the chief administrative head that the impression prevails that a "jack of all trades" is required for the office. Not only is it impossible for one person to be an expert in all of the functions and activities of the city, but there is absolutely no need that the city administrative head should be so versatile. If a city manager lives up to the requirements many would have him possess, or believe he does possess, he would have to be an expert lawyer, engineer, sanatarian, policeman, fire fighter, financier, accountant, bacteriologist, contractor and infant welfare worker. He would have to know all about assessment and collection of taxes; operation of a water, sewage and garbage disposal plants; the collection of refuse; the operation of a sewer system; the cleaning of streets; the care of the sick; the relief of the poor; and many other services which cities are now called upon to perform.

The chief qualifications of a city manager are intelligent leadership and executive ability. "Managers are not specialists," says Richard S. Childs, "and do not

pretend to be." In practice a manager is not and cannot be the expert for every department. The director or superintendent of each division of the government whom the city manager selects is or should be an expert in that particular field. This is where expert ability should be—at the head of the various departments or bureaus. "A city manager should have at least a fair education," says Henry M. Waite, Dayton's first city manager, "sufficient theory, but not too much to overbalance practicability. He must be an executive. He must know how to handle men. He must be fair and just. He must be firm but polite. He must have the courage of his convictions. Any man with these qualifications can be a city manager."

The commission-manager plan does not guarantee a separation of policy-determining and policy-executing functions any more than the commission plan does. Both are controlled by one body in both plans. There is not, therefore, that "clear line of demarcation between legislative and administrative authority," that advocates of the plan have claimed.

Some of the commission-manager plans have eliminated in part at least, the evils that are possible in the commission plan as a result of concentrating the appropriating, auditing and disbursing powers in one body.

In practice the commission-manager type of government has not produced any more honesty or efficiency in the administration of city affairs than are to be found in well-governed cities working under the older plans. George W. Whitehead who was the first mayor under the commission-manager plan of Niagara Falls said before retirement: "The plan is quite satisfactory

here, and administration under it has the approval of the people so far as any expression of record. I do not doubt that like results were possible under the older representative form of government. In other words, the former system was not at fault, it was the abuse of it." The mayor of another commission-manager city in New York State makes this statement: "Under present conditions I consider the city manager form of government neither better nor worse than the federal or commission forms. . . . While the city manager form has a number of advantages over the other two forms, they are not sufficient in themselves to bring about any great difference in results." Mayor Robert E. Cahill, of Watertown, N. Y., in his message at the close of the first year under the new plan said: "I am not so enthusiastic about commission government as I was a year ago. There are many weaknesses in this form of government as in the old."* The mayor of the fourth New York State city under this plan believes that neither the commission nor commission-manager type "has superior advantages over representative government." The weakness of the latest plan he believes "is contained in the unlimited power placed in the hands of three men. These men

*"It is an actual fact that when the new plan of government became operative in Watertown, the unpaid bills for six years previous totalled $85,705 and in addition actual contracts and supplies for coal, etc., had been cut so that with temporary notes, which had been issued to pay salaries, we were actually up against a shortage of over one-quarter of a million of dollars. This has been cleaned up within the two years, and we are now running exactly even with our budget. This is simply on the financial side, and does not go into the complete reorganization of all departments, and putting business principles into accounting, purchasing, etc."—City Manager C. A. Bingham, Watertown, N. Y.

can play politics, control even the city manager (he is human) and handicap him however competent and well disposed he may be. There is no veto and no board of estimate to check a majority of the council. From personal experience and information gleaned from other sources, city managers in my opinion hold the title and not much more."

All of the advantages which the commission plan has over the older types have been retained by the commission-manager system and some of the weaknesses have been eliminated. It contains the short ballot principle, the simplification of elections, the city instead of the ward as the political unit, simplicity in organization, and the concentration of legislative power and responsibility in a small body. It has broadened the field of popular choice of commissioners, made membership on the commission more attractive to persons of ability and improved somewhat the method of appropriating and disbursing public funds and auditing accounts.

The machinery provided by the commission plan for the administration of a city's business has been improved, but all of its disadvantages have not been removed by the commission-manager plan. The latter has made possible a more flexible departmental organization, abandoned the impractical idea of selecting trained officials and experts by election, and eliminated "log-rolling" among departments. The plan has also made possible but not guaranteed, as some of its advocates assert, more effective coöperation and an improvement in administration by substituting a single trained chief subordinate for a number of administrative agents, most of whom are untrained. The control of

the administrative functions and the responsibility for the management of the city's business is still retained by the policy-making body.

The administration of the affairs of villages and very small cities has been greatly improved under the commission-manager plan. The substitution of a full-time and salaried executive official for an unsalaried president or mayor who cannot devote his entire time to public affairs is responsible for this. When substituted therefor, the plan has generally proved its superiority over the commission type and those variations of the federal plan which provide for a decentralized organization.

The weakness of a diffusion of administrative power and responsibility, however, menaces good government under the commission-manager plan as seriously as it does under the commission or any other plan. The direct enforcement by the people of accountability for administrative acts is lacking. It leaves a loophole for subtle influences to work unseen and unhampered. This is the plan's chief defect. If this can be eliminated by the substitution of some method whereby the citizenship can directly and reasonably enforce administrative accountability and the other defects remedied without impairing or losing the many benefits which the commission-manager type of government has contributed to city government, the plan of governmental organization will be about as near perfect as it can be made. The kind of government under such a plan will depend solely upon citizen interest and the personnel of the administration.

CHAPTER XI

ESSENTIALS OF AN IDEAL TYPE OF GOVERNMENT

CHANGE IN ADMINISTRATIVE AND LEGISLATIVE MACHINERY — VALUE OF SMALL COUNCIL — NEED FOR CHECKS — METHODS OF SELECTING CHIEF EXECUTIVE—ADVANTAGES AND DISADVANTAGES OF THE ELECTIVE AND APPOINTIVE SYSTEM—INDEPENDENT FISCAL OFFICER

In the first types of American city governmental organization all policy-determining and policy-executing powers were vested in the city council, and the administrative agencies were committees of the council. In all the types in use since that time there has been very little deviation from the plan of delegating legislative powers and responsibilities to a single or bicameral board. There have, however, been numerous and radical changes in the administrative systems.

At one time boards and commissions were favored as administrative agents. Then single administrative heads appointed by the common council or by the mayor and confirmed by the legislative body were tried. At another time the administration of all public affairs was entrusted to the chief executive of the city and his appointees. Then all of these plans were swept aside by many cities and all powers were again vested in the

council. Instead of committees of the council acting as the administrative agencies, however, each member of the council was made an administrative head. Finally, this scheme was supplanted by the plan whereby the council as a whole became both the legislative and administrative agent of the people, acting through an appointed manager.

While these various changes in the administrative machinery were being experimented with, only two important changes were made in the legislative machinery. The bicameral legislative body has for the most part been abolished and single bodies have been reduced in size. Two important changes in the method of selecting the legislative bodies have been tried, namely, election-at-large and the non-partisan primary and election.

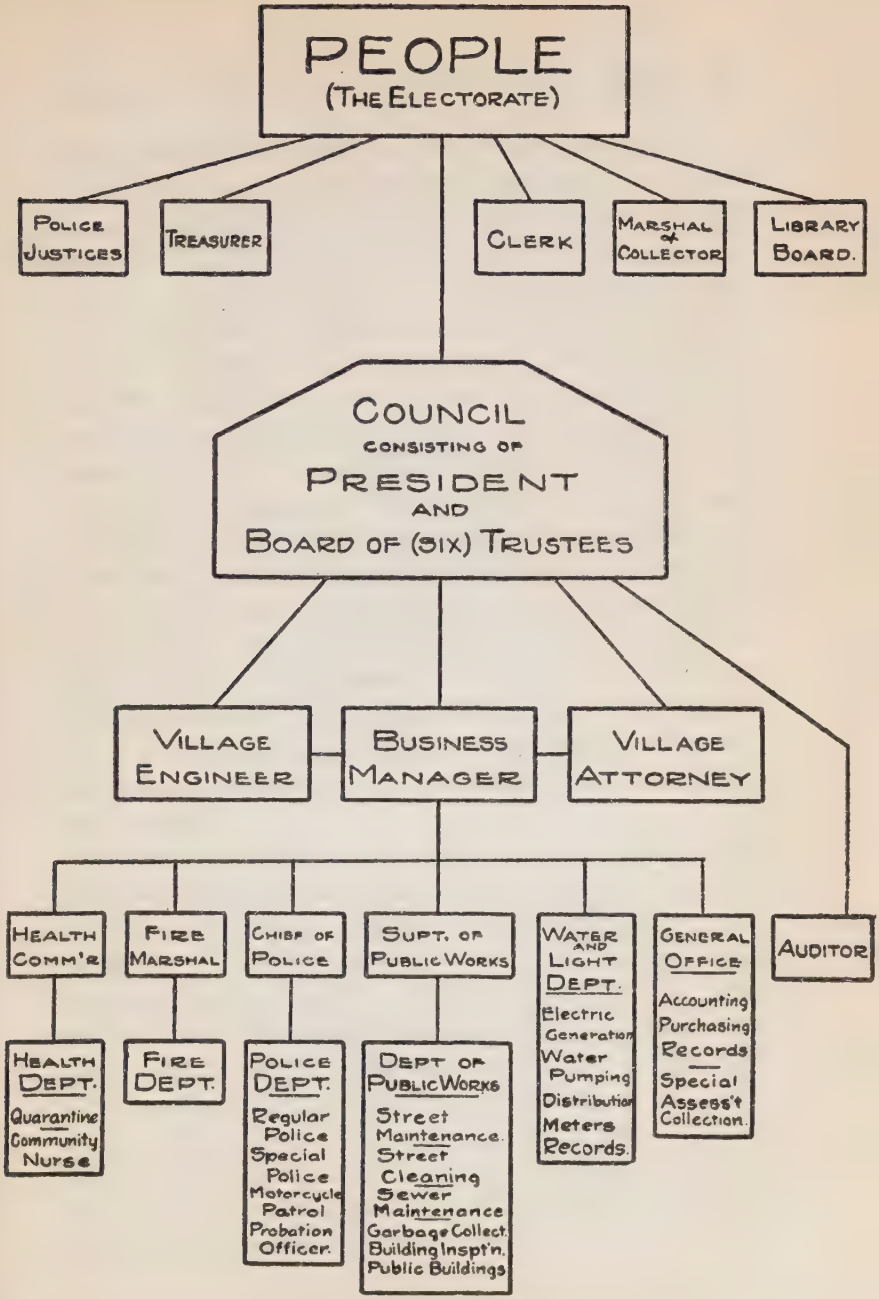
It will thus be seen that American cities in their search for an ideal plan of governmental organization have been going back to the early days of American municipal history and resurrecting and putting into operation again the fundamental principles of our first type of municipal government, namely, simplicity of organization and concentration of legislative power and responsibility in a single body. In the early council-committee plan and in the latest types, the commission and commission-manager, the council is the policy-determining agency of the government and has supervision and control of the administrative agents to carry out the policy. The American people have at last realized, as Professor McBain has so admirably explained, that "democracy cannot function properly through a complicated organization which it cannot visualize and cannot comprehend." A significant change, and one

that has greatly simplified the administration of public affairs and increased popular control of city government, has been the elimination of the "check and balance" system and the substitution of accountability and centralized power and responsibility therefor.

These experiences under the three types of city government and innumerable modifications and combinations have taught us that no plan will in itself guarantee the honest and efficient administration of city affairs or relieve the public of its responsibility. They have compelled us to realize and acknowledge that good city government cannot be obtained and made secure either by one supreme effort of charter revision or by continual charter tinkering. It can be procured only by a continuous struggle against inefficiency and eternal public vigilance. Each type of government, however, contains one or more features which experience has demonstrated can help American cities to obtain better city government. At the same time, defects in many of the innovations introduced have become known to the public.

That type of government which apparently gives the greatest aid to the public in the selection of proper servants contains the short ballot principle, provides for direct acountability and eliminates separation of power and responsibility. Experience has also demonstrated that with the short ballot, non-partisan primaries and elections do under ordinary conditions produce more representative and better government.

On the administrative side of municipal government, experience under the three types and their variations has quite clearly demonstrated that better results are



ORGANIZATION OF THE GOVERNMENT OF THE VILLAGE OF WINNETKA, ILLINOIS

ILLUSTRATING HOW THE COMMISSION MANAGER PLAN IS APPLIED TO VILLAGE GOVERNMENT

obtained under a single executive head than under administrative agencies consisting of committees or members of the legislative body, or appointive or elected boards. There is a wide difference of opinion as to how the single executive head should be selected. At the present time, opinions seem to be about equally divided between the uncontrolled executive plan, whereby the mayor is elected and has absolute power to appoint and remove heads of departments, and the managership plan which gives to the legislative body control of the appointment and tenure of the chief administrative official. On the one side are the supporters of the modernized federal plan and on the other, the advocates of the commission-manager type. Both agree that the chief executive of the city should have absolute power of appointment and removal of heads of departments. The method of selecting the executive and the relationship between him and the legislative body of the city are the two points upon which they do not agree.

The value of the uncontrolled executive was recognized as far back as 1872 when the first edition of Dillon on *Municipal Corporations* contained the following: "Experience has also demonstrated the necessity of more power and more responsibility in the executive head of our municipal institutions." It also suggested that to the mayor should be given the power of veto and the sole power of appointment and removal. The special Joint Committee on Taxation and Retrenchment of the New York State Legislature concluded after its investigation of the affairs of the cities of the Empire State in 1920 that "the most effective

and economical type of municipal governmental organization is one in which all executive functions are centralized under a single executive head directly responsible to the electorate." In its 1919 report the Philadelphia Charter Committee said: "The general scheme of the Bullitt Bill to concentrate executive authority in the mayor is retained as it is believed that experience in municipal government has demonstrated its wisdom."

The elective mayor is an executive controlled by the people; the city manager is an executive controlled by a commission. Those in favor of the elective plan, therefore, contend that it is better to elect the chief administrative official of a city than to have him appointed by representatives of the people, because, when elected, he is directly accountable to the people instead of answerable to representatives of the people as under the commission-manager plan. They argue that the official who is directly accountable to the electorate is more responsive to public needs and desires, than one who is only indirectly accountable as is the city manager whose position is secure as long as he satisfies a majority of the appointing body, even though that majority may not truly represent public opinion or be responsive to public needs. In answer to this the proponents of the manager plan say that the people may change the personnel of the council at the next election. The proponents of the elective plan admit this, but assert that this change is not so easily accomplished when the responsibility is divided among three or more, whose terms of office do not all expire at the same time, as when only one elective official, like a mayor, is held to strict accountability for the entire results. "It

is far better to vote for a man directly instead of indirectly as we have done in the election of United States senators," says the Hon. William Dudley Foulke, former president of the National Municipal League. "The boss would lay his plans before election to control the manager. He would have his slate of five commissioners who would vote for his candidate and he would get men who were personally popular and knew how to pull the ropes. . . . The issue before election would be 'Are we to have a manager controlled by the boss or not?' "

The proponents of the manager plan object to an elective executive because they believe he should be an expert, and they repeat the proven claim that more capable experts can be obtained by appointment than by election because the electorate is not so discriminating in its choice of expertness as is an elected body representing it. They also argue that the choice of the electorate under the elective plan is limited to those who are qualified to hold elective offices and that often more capable men can be obtained elsewhere. Their opponents assert that all of these arguments are sound except the first, and then make the claim that as all the others are based on that, they necessarily fall when the first is eliminated. A city manager, they say, cannot be an expert in all the activities in which a city engages. It would be an impossibility for anyone to be an expert in law, engineering, accounting, sanitation, street cleaning, police work, fire fighting, bacteriology, and all of the other professions and technical lines upon which municipal service has to depend. Richard S. Childs in the *National Municipal Review* in 1915

emphasizes this by saying: "Even Waite, of Dayton, for instance, who is the ablest of all the managers . . . is by no means at home on matters outside of engineering." But even though it were possible to obtain it, expertness is not needed to such a degree as the advocates of the manager plan claim at the head of the administrative side of city government, according to the proponents of the elective plan. Where it is needed, they assert, is at the head of the various departments. According to their argument, all that is needed at the head of the city government, and should be expected, is a broad-minded, honest, intelligent, progressive, representative citizen who will appoint as heads of the departments experts upon whom he can rely for the efficient management of activities under them and for advice on municipal policies. They believe there are many citizens in every city who possess these qualifications, and therefore they argue it is not necessary to make provision for choosing an executive from other fields. It is not the electorate, they believe, who need concern themselves about expert ability in the management of their public affairs; that responsibility must be left to and accepted by the chief executive whom they select.

Will an elective executive be as discriminating in the selection of his heads of departments as is a city manager? It is argued by those in favor of the manager plan that because the uncontrolled executive under the old federal plan and its variations has been influenced by politics and his desires for re-election in the choice of his advisors, he would still be subject to the same influences and ambitions under any elective plan. The

advocates of the elective executive system assert that the short ballot, non-partisan primaries and elections, and a four-year tenure which should be features of any modernized plan, should lessen the need for an efficient executive to depend upon partisan or personal organization for advancement of his ambition. Moreover, they say, he has more freedom in the selection of subordinates than has a city manager because he is uncontrolled, even by partisanship, while a manager is often dominated by the desires of the members of the commission whose political ambitions are quite likely to be as strong as those of any mayor. The opportunity to evade responsibilities for the personnel of the administrative department is much less when accountability is direct, as in the case of an elected executive, than when it is indirect, as in the case of an appointive executive. Whenever evasion is possible, the enforcement of accountability by the people is impossible, and "invisible government" may flourish. They also maintain that the need for an elective mayor to use patronage to retain office is no greater than that of an appointive executive. The elective official in his choice of subordinates is compelled to satisfy the electorate, while the appointive executive in his selections of subordinates need satisfy the desires of only a majority of those who appoint him. The way for the electorate to stop an elective executive using patronage to entrench himself in office is easier and more direct, according to the opponents of the appointive plan, than it is where the appointing power stands between the executive and the people.

Although experience has demonstrated that most of

these arguments advanced by the proponents of the elective plan are sound, nevertheless, it has also proven that the system has weaknesses which the appointive plan has overcome. One of these weaknesses is the inability of a city at all times to secure by election a chief executive who is either able to devote all of his time to the duties of his office or willing to sacrifice personal interests to give such an amount of time as the needs of the modern city require. We have also learned from experience that because of the insecurity of his tenure, there is not such an incentive for a man who is elected mayor to keep himself thoroughly informed about city government as there is for one who knows that if he is not wanted by one city, he can probably sell his services to another. It must be admitted that the experience of a number of American cities, even though that experience has been somewhat limited, has quite conclusively demonstrated that the position of city manager has attracted to municipal service a group of men, which will increase in number if the position continues, who are gaining a wide experience in municipal government that is valuable to the cities they serve.* It has also

*"I attended the city manager convention in Cincinnati last Fall. One of the things that impressed me was the fact that the city managers were interested in all phases of city government, engineering, assessments, accounting methods, recreation, etc., etc. Subject to their personal limitations they were rapidly building up in themselves a specialized knowledge and technical ability in every branch of municipal administration. Their discussions were entirely on technical subjects. Under the mayor and council plan, or the commission plan, nobody has a chance to become an all around municipal administrator and, if he ever became so, he is soon superseded by the next man elected who has to start all over again, and this experience is not preserved for the public. In certain European countries, notably Germany, they have built up a class of expert municipal administrators who progress from city to city just as the city managers do here."—Sedley H. Phinney, Executive Secretary, New Jersey State League of Municipalities.

been demonstrated that the managership position has made available men who can afford to devote their entire time to the administration of municipal affairs. The elective executive plan lacks these advantages and incentive.

Neither system contains anything that will guarantee an ideal administration of a city's affairs. In the 1911 edition of Dillon on *Municipal Corporations* it is said that "the experience to date in New York and other large cities, while it has not shown that this mode of municipal administration is not wise, has also not fully justified the expectations concerning its remedial efficiency." Neither has the appointive system under the commission-manager plan established itself as ideal. Good or bad management is possible under both, depending upon the capability of the mayor under the uncontrolled executive plan and upon the capability of both the manager and the commission under the appointive system. Under the former there is no one to control the executive except the people; under the latter a manager, no matter how capable he may be, can give only as good service as the commission will let him. It is probably easier for an executive to give better service and for the people to enforce accountability under the elective plan. By concentrating power and responsibility it removes any opportunity for an executive to evade his responsibility or to excuse or hide his shortcomings; and by making him directly accountable, the people know whom to hold responsible and when to reward and to punish. On the other hand, it is probably easier for a city to get a good executive under the appointive plan.

To overcome the defects in both of these plans several suggestions have been made, but as yet none has been subjected to the severe test of experience. To remedy the defects in the appointive plan it has been suggested that the mayor, instead of the commission, under the commission-manager plan be empowered to appoint and control the tenure of the city manager. Some advocates of the elective plan have suggested that in the larger cities the mayor should have authority to appoint a manager of municipal services or a chief subordinate administrative official.* For the smaller cities, they suggest that the plan of government should permit the legislative body, the board of estimate and apportionment, the board of control or a similar body, upon the recommendation of the mayor, to create or abolish the office of a chief subordinate administrative official to be appointed by the chief executive; also that provision should be made for an automatic increase or reduction of the salary of the mayor commensurate with his duties when such an office is created or abolished.† In support of this suggestion it has been

*"I should like very much indeed to see tried out the plan of organization which you outline with the elected mayor and the permanent administrative manager. I have often thought of the scheme myself and have wondered whether that was not the direction in which we are drifiting in the larger cities, though with this difference: in the larger cities instead of there being a single manager, there would be several. The success of the plan you outline would depend, it seems to me, upon the recognition on the part of the mayor that he is to keep his hands off all technical matters of administration. In other words, that he is to rely completely upon the manager in the actual day-to-day work of the government. I have known few mayors who are ready to rely upon any one man to such an extent though you yourself have seen many cases where a mayor leaves the entire direction of a single department in the hands of one man."—Dr. Luther Gulick.

†"I can see that this plan would work very well in a city which was practically controlled by a small group of influential men, as I understand is the case in quite a number of manufacturing centers in the

pointed out that in the larger cities a mayor cannot attend properly to all of the duties of his office and at the same time look after the administration of the various services as he should. It is, therefore, argued that he should have a chief subordinate whom he could hold responsible for the supervision of the various municipal services under his control. In the other cities, it is pointed out, it often occurs that an elected chief executive has to neglect his business or profession if he devotes all of the time that the duties of the office of mayor require. In order to make it possible for such persons to serve the community without too much personal sacrifice and at the same time insure the proper supervision of community service, the plan should give to the administration power to organize the departments so that the mayor can properly supervise their administration through a subordinate responsible to him.

It has been very clearly demonstrated that more can be accomplished and fewer mistakes made in determining policies if legislative responsibility and power are centralized in a small council or board, each member

west. It seems to me that it would hardly work where there is a large number of people who work independently of each other in public matters and who usually insist that a candidate shall at least promise that he will do the work himself as a condition of support. Again, would not a city manager, appointed by a mayor, be quite as unresponsive to popular sentiment as a city manager appointed by a commission? Citizens want public officers who can give an immediate answer to a complaint or a suggestion, without reference to others in authority; they would not like to have to apply to a mayor to get him to give orders to a general subordinate who again would give orders to special subordinates. I have also felt that the people of a city ought to know that if they vote for incompetent candidates they will have themselves to thank if they get an incompetent city government. Responsibility for the results of an election ought to be brought home to the voter."—Charles W. Bacon.

of which represents the city at large. Bicameral bodies and large councils or commissions composed of members elected from wards or districts, or partly of ward representatives and partly of members responsible to the community as a whole, have not proved to be effective legislative agents.

The omission of provisions for necessary checks upon appropriations, loans and spending of public funds by placing all of the power and responsibility respecting municipal finances in one body, is another weakness which our experience with types of government has taught us should be avoided. On the other hand, the elaborate system of checks and balances in some of our older plans and variations has in practice proved undesirable. The veto power by the mayor and a fiscal officer independent of all other branches of the government are effective checks and ought to suffice. A board in which is vested absolute power over salaries and wages and concurrent power with the legislative body over appropriations and loans has also proved its worth.

In none of the types of governmental organization so far devised and put in operation can be found all of these features, nor is there any from which has been eliminated all the defects. Even among the various combinations either there are lacking some advantageous features, or one or more defects have been retained.

CHAPTER XII

CONTROL AND MANAGEMENT OF CITY SCHOOL SYSTEMS

GROWTH OF SCHOOL EXPENDITURES — EFFECT ON MUNICIPAL ACTIVITIES — CONSTITUTIONAL PROVISIONS—BOARDS OF EDUCATION—THEIR FINANCIAL RELATION WITH CITY ADMINISTRATIONS—COMBINED AND SEPARATE SYSTEMS, ADVANTAGES AND DEFECTS — POLITICS IN PUBLIC SCHOOLS — DIVISION OF POWER AND RESPONSIBILITY—DUPLICATION OF PUBLIC EXPENSE—PRESENT SYSTEMS UNSATISFACTORY

THE control and management of city schools is a comprehensive and complex problem, and one about the solution of which there are at present no definite conclusions. For these reasons, consideration of the place that city departments of education should occupy in the plan of municipal government and the relationship between a board of education and the city government was purposely omitted in previous discussions of types of government.

The effective control and efficient management of local school systems are increasing in importance. Not only does education command the largest single item of municipal expenditure, but the growth of its expenditures is greatest. An analysis of the budgets of the

larger cities shows that appropriations for education are from twenty-five per cent to fifty per cent of the total appropriations for all city purposes. In many of the smaller cities the budgets of boards of education are greater than those for all other city purposes.

In its study of municipal expenditures and the opportunities for retrenchment by New York State cities the Special Joint Committee on Taxation and Retrenchment of the New York State Legislature learned that the increase in the cost of education was the chief cause for the increase in the cost of city government. In Yonkers, N. Y., the city budget increased 3.09 per cent from 1915 to 1920, while the school budget increased 88.47 per cent. The Committee's report also says that between 1919 and 1920 in Binghamton, N. Y., the school budget increased from thirty-three per cent to forty-one per cent of the total budget. "Similar figures could be adduced," it says, "from most of the cities of the state showing that expenditures for education have been increasing very much faster than expenditures for any other branch of city government."

A report recently completed by the New York State Bureau of Municipal Information shows that the total current expenses of public schools in all New York State cities, with the exception of New York City, have increased forty-nine per cent during the last four years and that during the same period the average daily attendance of pupils has increased only seven per cent. Exclusive of debt service and capital outlay the average annual per capita cost per pupil in these cities increased from $49.13 to $67.73 during this four-year period.

This cost of education, particularly its tremendous

increases within the last decade, vitally affects all other municipal activities. Communities whose taxing powers for municipal purposes are limited, and within which limit is included the cost of education, find it extremely difficult to finance other municipal activities after having properly financed requirements for educational purposes. Even in those cities which have no limitation on their taxing powers or which do not include appropriations for education in the limited tax levies, the tax burden which education is imposing on the community is having a serious influence on public opinion in respect to community services under the control of the city government. It is, therefore, very important that in each city the control and management of its schools should be effective and efficient, not only for the sake of education itself but for all other community services as well.

The fact that State Constitutional provisions governing education are not uniform and that in many commonwealths, public education is declared to be a state, not a municipal function has severely complicated consideration of this problem, and has confused those seeking its proper and permanent solution. The Constitutions of the following states provide that the legislature shall establish and maintain general, thorough, uniform and efficient systems of free common or public schools; Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wyoming and West Virginia. In these states the

Constitutions provide that the legislature shall not pass any special, private or local acts for the support of common schools: Louisiana, Mississippi, Missouri, New Jersey, Oklahoma, Oregon, Pennsylvania, and Texas. The Ohio Constitution directs the legislature to provide by taxation, in addition to the income from the school funds, for a thorough and efficient system. The Colorado Constitution requires that the legislature shall establish a free school system for residents of the State or children or pupils between six and twenty-one years of age. The Constitutional age limit in North Carolina is from four to twenty; in Missouri, from six to twenty; and in Alabama from seven to twenty-one years.

In some states the taxing and bonding powers of cities for municipal purposes are limited. If school districts and city boundaries are coterminous, if appropriations for school purposes are a part of the limited city tax levy, and if school bonds are issued on the faith and credit of the city, Constitutional debt and bonding limitations, as well as these other provisions respecting education, must be considered in devising a system for the proper control and management of city schools.

School control and management in a majority of American cities are still vested absolutely in boards of education which are entirely independent of city administrations. A study* made for a committee investigating the educational problem for the New York State

*a. Hannan, William E., Legislative Reference Librarian, New York State Library. A study of city boards of education, school budgets and the relation of the school system to the city government in cities of the United States having a population over 50,000. 1920.

b. New York State Bureau of Municipal Information. Cost of operating Public Schools in New York State Cities. Municipal Education Systems.

Conference of Mayors and Other City Officials and the Regents of the University of the State of New York, shows that of the 167 cities from which reports were received, the public school systems in 106 are not coördinate parts of the city government. In Berkeley, Cal., the board is separate, except that the City Commissioner of Finance and Revenue is a member of the education board. In all except a few of the other cities, the schools are administered by a board of education whose relations to the city government vary greatly, especially in respect to the financial control.

Those cities are exceptions where the public schools are administered directly by the city administration. One of these exceptions is St. Paul, Minn., which has the commission type of government. The mayor of that city assigns the commissioners to the different city departments, one of which is the department of education. The commissioner, who is the head of the education department, names the superintendent of schools and the other school employees with the approval of the city council. He has full control of the department except that all financial matters and ordinances must be approved by a majority vote of the city council.

Members of boards of education in these 167 cities are either elected or appointed. In 111, they are either elected at large or by districts, the former plan being in use in most places. Various methods of selecting board members are used in those cities where they are appointed. In a great majority, the appointments are made by the mayor, who may or may not have the additional power of removal. In several cities, the council appoints, and in a few cities, the appointments

by the mayor must be confirmed by the council. In Washington, D. C., the board is appointed by the Supreme Court of the District of Columbia. Six members of the Charleston, S. C., board are elected and four are appointed by the Governor on nomination by local bodies. Appointments in Philadelphia are made by the judges of the Court of Common Pleas.

Most boards of education are unsalaried. Among the exceptions are the following: Berkeley, Cal., $5 each a meeting; Evansville, Ind., President and Secretary, $200 each and Treasurer, $800 a year; Fort Wayne, Ind., $250 each a year; Jacksonville, Fla., $4 each a meeting; Memphis, Tenn., $480 each a year; Milwaukee, $3 each a meeting with a maximum of $100 a year; Oakland, Cal., $40 each a month; Poughkeepsie, N. Y., $100 a year for President; Rochester, N. Y., $1200 each a year; San Diego, Cal., $600 each a year; South Bend, Ind., $400 each a year and Terre Haute, Ind., $500 each a year.

The school boards vary in size from a single commissioner, as in St. Paul, Minn., to thirty elected and three ex-officio members, as in Providence, R. I. The average is eight members.

A study of the financial relations of boards of education and city governments in those cities in which the public school systems are a coördinate part of the city administrations, shows a very much complicated and unsatisfactory state of affairs. In New York State there are three methods of determining the amount that city boards of education may expend. The final authority to fix the school budget in thirteen cities, with the excep-

tion of salaries,* which average about eighty per cent of the total, is vested absolutely in the city administration. In New York City the administration has authority to fix any appropriations in excess of an amount equal to 4.9 mills on every dollar of assessed valuation of the real and personal property of the city. In sixteen other cities, the mayor may veto items in the school budget prepared and submitted to him by the board of education, but the board may restore any vetoed item by a two-thirds, a four-fifths or a unanimous vote. In the remaining twenty-nine cities final authority over the school budget is vested absolutely in the board of education. The city boundaries of sixteen of these cities are not coterminous with the school district boundaries. Boards of education in many New Jersey municipalities are appointed by the Mayors. The school budgets are passed upon by boards of school estimate composed in each community of the mayor, two other city commissioners and the president and vice-president of the board of education.

Following is a summary of the relations between city administrations and boards of education in other important American municipalities.

ATLANTA, GA.—Mayor and president of council are ex officio members of board of education. Council sets aside twenty-two per cent of income for schools.

BALTIMORE, MD.—Appointed board of education prepares estimates and submits them to city board of estimate and apportionment, which may revise.

*A recent court decision declares that the administrations of some of these cities have power to pass on the total appropriations for salaries, but have no authority to fix salary schedules.

Boston, Mass.—Mayor has veto power over appropriations and orders involving expenditures of money, which veto may be overcome by four-fifths vote. Appropriations limited by statute. Board of education elected.

Bridgeport, Conn.—Appropriations made by city board of apportionment and taxation. Board of education elected.

Brockton, Mass.—City administration has no control over elected board of education, except in granting the appropriations.

Cambridge, Mass.—Mayor is chairman of elected board of education.

Detroit, Mich.—All expenditures of money must be approved by the mayor. He and council pass on school budget as approved by elected board of education.

Fall River, Mass.—Board of education elected. Mayor makes appropriations and submits them to the board of aldermen, which may reduce but cannot increase.

Fort Wayne, Ind.—City administration has no control over appointed board, except to approve bond issues.

Grand Rapids, Mich.—Budget and bond issues must be approved by city commission after having been adopted by elected board of education.

Hartford, Conn.—Board of education elected. Appropriations for schools are made by common council and board of finance.

Holyoke, Mass.—School board asks for two appropriations, one for salaries which city government

cannot reduce, and the other for supplies which it may reduce.

HOUSTON, TEX.—Mayor appoints school board. School tax is separate, but is sometimes supplemented by city commission.

LAWRENCE, MASS.—Mayor has power to fix appropriations.

LOWELL, MASS.—Board of education elected. Budget submitted by school committee and passed upon by common council.

LYNN, MASS.—Council appropriates for permanent improvements. School department receives $6.50 per $1000 of the taxable valuation of city, plus pro rata returns from income tax.

MALDEN, MASS.—Board of education elected. Appropriations made by city council.

NASHVILLE, TENN.—City administration passes on rules and regulations made by appointed board of education and on expenditures over $500.

NEW BEDFORD, MASS.—Mayor is chairman ex-officio of elected board of education, which makes request for appropriations to the mayor who recommends to city council, which appropriates.

NEW BRITAIN, CONN.—School budget made by school committee and approved or modified by board of finance, city council, and city meeting of taxpayers and voters. Board of education elected.

NEW HAVEN, CONN.—Board of education, of which mayor is a member, is appointed. City board of finance may reduce appropriations for running expenses. Estimate submitted by board of education to

city board of finance, which revises and submits it to aldermen for approval.

OAKLAND, CAL.—City administration has no control over elected board of education except in relation to such business affairs involving the use of funds derived by special city tax and the granting of a special city tax. Appropriations are made from state tax fixed by law, county tax fixed by board of supervisors and city tax fixed by city council.

PAWTUCKET, R. I.—City council makes appropriations, but does not control expenditures.

PORTLAND, ME.—Mayor is president of school committee but has no vote except in case of a tie. Teachers' salaries are fixed by school board and cannot be changed by city government. All other appropriations are recommended by board of education and subject to approval by city government.

PROVIDENCE, R. I.—Elected school board presents estimate to city council which appropriates.

RICHMOND, VA.—Estimates presented each year by appointed school board to city council which decides on amount, but is required by law to make appropriations for maintenance and development.

ROCKFORD, ILL.—City administration confirms tax levy and authorizes the same, but cannot reduce. Board of education appointed.

SAGINAW, MICH.—Elected board of education prepares estimates which are revised by city board of estimate and apportionment.

SOMERVILLE, MASS. — City administration has control over appropriations and care of school building. Board of education elected.

SAN FRANCISCO, CAL.—Appointed board of education recommends appropriations which are submitted to board of supervisors for its action.

SPRINGFIELD, MASS.—The mayor has power to make budget and common council may reduce but cannot increase. Estimates submitted by school board to mayor.

WATERBURY, CONN.—Elected board of education prepares budget which may be reduced by city board of finance.

WILMINGTON, DEL.—Elected board of education prepares estimates which must be submitted to city council for its approval.

A study of these administrative features of public schools in American cities shows that the systems may be divided into three groups, namely:

1. Administration by boards of education acting as an agency for a political subdivision of the state, known as a school district, and operating independently of the city government.
2. Administration by a board of education acting coöperatively with the city government, with the degree of control over the board and school finances by the city administration varying in different cities.
3. Administration by the city government, acting either through a board or a commissioner.

There are comparatively few advocates of the system which places under the city administration the entire control and management of the schools in respect both to finances and matters educational and pedagogic. The Mayor of Boston, Mass., is quoted

in the report* of the New York State Library as feeling "most strongly that the responsibility for the city government should be completely centralized. The separation of any department of the municipal government means, of course, decentralization and divided responsibility and the greater the division of the responsibility, the less can the governing authority be held responsible to the popular will." The Mayor of Nashville, Tenn., expresses the belief that either independence or consolidation "would work satisfactorily if politics is kept out." The Mayor of Spokane, Wash., says: "My opinion is that to receive real service the board should consist of men or women who should be paid a salary and who should be a part of the general city government elected by the people." A similar view is expressed by the Mayor of Trenton, N. J., who says: "I believe that the schools are an inherent part of a city's system of government. It is dependent upon the people of the city through the governing body for its maintenance; consequently, it should be included in the centralized plan. However, I think that the school system should be sufficiently safeguarded so that it will not in any way be jeopardized by the whims of politicians or the vagaries of a political system." The experience of Denver, Col., as described by its mayor is interesting. "We do not believe that the independent system has accomplished anything," he writes. "Certainly it has not been an economical move in Denver."

*Part of Study for Joint Committee representing New York State Conference of Mayors and Other City Officials and the Regents of the University of the State of New York.

Opinions differ widely in respect to the plan which provides for financial and administrative independence by city boards of education. The consensus of opinion of those connected with education is that the board should be entirely independent of the city government. The board of education of Covington, Ky., answers the questionnaire of the New York State Library as follows: "The city school system should be separate so that the responsibility for the conduct of the school shall rest on the board. The reason for divorcing the conduct of the board of education and city schools from the city government was because there was a provision in the city charter which stated that should the amount of money so asked create a levy greater than a certain number of cents on the assessed valuation, the city commissioners or common council could disregard the excess and place the amount at the maximum. You can, therefore, see it was a case of divided responsibility. Consequently, we secured legislation in 1917 which raised the rate and gave to the board of education the power to make the levy, and to date, the system seems to work very well." This opinion is given by the board of education of Erie, Pennsylvania: "We feel that the city school organization should be entirely separate from the municipal organization, as educational interests may become submerged and involved in the many civic questions that come to the front in the government of the city." A somewhat different view is expressed by the board of education of Baltimore, Maryland. It says: "It is, indeed, not only desirable but also necessary to have the school system independent of any control by any other city official or body, if the greatest benefit is

to be obtained. Possibly, an exception might be made by having the general finance department have some revising power over the budget, that is, as to the amount of money that must be raised for school purposes; but after such amount has been determined, all expenditures thereunder, as well as all other control of the school system, should lie entirely with the Board of Education."

There is, however, a division of opinion among city officials on this point. The Mayor of East St. Louis, Ill., expresses the belief that the independent system is more expensive, "but it keeps the city schools out of politics." "I feel certain," says the Mayor of Brockton, Mass., "that the school board, elected by the people and having entire supervision of the schools, except the appropriation of money, is as independent of the city government as it should be." The Mayor of Lynn, Mass., says: "I should deem it very unfortunate if local school committees should be given power to appropriate money. I feel that bodies which expend money should not be allowed to appropriate money for their wants." The Mayor of Savannah, Ga., expresses this opinion: "The independence of the city school system is excellent. Such a system gets a higher type of board member. It gets the best results for democracy and gives stability and permanence to school policies."

Comparatively few believe that the city government should have any control in matters strictly educational or pedagogic. A great majority, nevertheless, are of the opinion that the appropriations and expenditures by boards of education should be controlled. The views

of these are summarized in this opinion expressed by O. E. Carr, when he was city manager of Springfield, Ohio: "Before coming to Springfield, O., I served in a similar capacity in Niagara Falls, N. Y. There, as in most New York cities, the city councils have control over the amount of appropriations for school purposes, the school boards being appointed by the mayors and having control over the various school activities and school funds. Having served as city manager under both systems, I am very ready to say that in my judgment and from my viewpoint the present system in New York is far superior to the present system in Ohio. So long as authority can be centralized without overburdening any body of men, I think it is wise to continue centralization. The public at large are usually apt to feel that the city council or the city commission has the spending of all the money which they pay as taxes, while in Ohio cities, the schools get practically as much as does the city for all other municipal purposes. There is apt to be some jealousy between the school board and the city government. Then, too, on account of the election of members of the school board by the public at large, the schools of this city have been thrown into politics far worse than in any municipality in which I have ever lived. Any superintendent of city schools has enough to do without having to mix into politics. This, under the other plan, would never be either necessary or possible."

It is in the class of cities in which the schools are operated under a system whereby power and responsibility are divided between the city administration and the board of education, and where direct accountability

is lacking, that the most trouble and greatest dissatisfaction exist. Both educators and city officials agree that the relations between the school and city authorities under this system are unsatisfactory.

Advocates of the plan of complete independence of boards of education point to the fact that in most states public education is regarded as a state and not a municipal function. They also argue that separation is necessary "to keep the schools out of politics." Still another argument advanced is that unless the system is separate, it forces the consideration of school expenditures in conjunction with the expenditures for other municipal functions. It is especially those connected with state and local departments of education who fear the result of this competition. These are the principal arguments advanced in favor of the separate system.

In answer to the Constitutional provision, the opponents of the separate system, who are as yet not agreed on the most effective plan of coöperation, admit that education is a matter of state concern, but, quoting from an opinion by the New York State Court of Appeals, they say that "some parts of its administration may by the state be committed to a municipality and to a board of education as a department of such municipality and its administration will thus rest upon a specified and prescribed division of authority and responsibility. . . . While the educational affairs of each city (in New York State) are under the general management and control of the board of education, such board is subject to municipal control in matters not strictly educational or pedagogic."

Admitting the fact that the states generally have

guaranteed an education to every child, the opponents of the separate system endeavor to show that this should not influence the system of control and management, by pointing to the fact that most of these states also guarantee the protection of health and property, which, therefore, are also matters of state concern. In all of these, the state uses the municipality, which in most instances is its creature, as its agency. "On the same theory as the education authorities have put forward," the cities of New York State, in a memorandum to the state legislature in 1919, said, "we might, therefore, proceed to set up city police and health districts, each coterminous with the city boundaries, and then claim that the expenditures for these purposes do not come within the limitation prescribed by the Constitution and that the police and health officials are not under the jurisdiction of city authorities. It would, however, be a sad day for the taxpayers when such a segregation of city activities became effective. The splitting up of our activities of city government to be under the jurisdiction of separate governmental agencies, with no coördinating body except the state, would result in increased tax burden and the inefficient administration of city affairs."

In answer to the questionnaire by the New York State Library, boards of education in practically all cities gave as their principal reason for advocating the separate system the need for "keeping the schools out of politics." Some city officials also indicated a fear that politics might creep into the system if it were connected with the city administration. "I am strongly prejudiced," says the Mayor of Mobile, Ala., "in favor

of our plan of operating the school system, as it tends greatly to keep it out of politics. The city has no control over the schools." The Mayor of Reading, Penn., expresses a similar opinion thus: "The city school system should be separate. The city officials are chosen on political lines. Absence of salary for school directors limits candidates to men inspired only by interest in school development." A different view is expressed by the Mayor of Oakland, Cal., who says: "Opinions vary concerning such a separation. The disadvantages apparent in the scheme are that there are times when the school department should be under the jurisdiction of the city administration in order that reckless expenditures and unwise administration may be checked. A certain amount of favor is said to lie in the fact that to separate the schools from the city administration political domination is removed. This, however, can best be met by the fact, especially in Oakland, that did the people not trust their city administration, they would not return it to office. Consequently, the mayor is in favor of the school department being directly connected with the municipal administration."

In its report to the New York State Legislature, the Special Joint Committee on Taxation and Retrenchment discusses very fully this phase of the education problem. "The significant fact is not that the schools have been separated from the city government," it says, "but that the schools have not been consolidated with the city governments as have other municipal services. The fear of 'putting the schools into politics' has unquestionably served to maintain this isolation. The evidence taken by your committee would indicate, how-

ever, that this has not been the only reason. We were informed that there have been persons in the school systems who have feared the loss of their power if the present isolation were broken down. In more than one city we were told that the educational departments harbored as many 'politicians' as any other municipal department, and that 'board of education politics' was as bad as any other kind, and often more costly for the taxpayer. . . . Many of the so-called extravagances of the school system are undoubtedly manifestations of such 'educational politics.' "

Those who advocate a closer relationship between the boards of education and city administrations answer the argument that school expenditures should not be considered in conjunction with expenditures for other municipal functions with the statement that real economy in municipal government is to be found in governmental planning which is the determination of the proportion of each community service to the entire list of services to be rendered by the municipal government. This proportioning, they argue, cannot be done effectively by separate governmental agencies. The planning must be done by a centralized agency. "When the board of education and the city government are distinct and separate, it is clear that there will be two plans for the city as a whole, one for the schools and one for the other city services," says the report of the New York State Joint Committee on Taxation and Retrenchment. "When this exists, the danger is that one or the other will enlarge its plans and its financial demands out of all proportion, and in all probability the tax burden will become unbearable." The contentions

of the opponents of the separate plan are that it is absolutely necessary to have some body, other than the spending body, review the budget items and distribute the total amount of money raised by tax equitably among the different functions of government that have to be performed for the same constituency.

An analysis of city and education budgets, however, does not reveal so serious a competition for funds as educational authorities fear. Judging from the liberal increases in appropriations which city administrations, having such powers, have allowed to boards of education, the competition has not been anywhere near so irksome to school authorities, as it has been to the heads of other city departments. In New York State, for example, the Buffalo education appropriations increased one hundred and twenty-two per cent in five years; in Albany, sixty per cent; in Yonkers, eighty-eight per cent; in Rochester, one hundred and eleven per cent; in Syracuse, eighty per cent; in Schenectady, eighty-eight per cent; and in New York for three years, seventy per cent. For practically no other department of government in any of these cities have the increases in appropriations anywhere near equalled these. In fact some of these educational increases are greater than the increase in the total appropriations for all other municipal departments, bureaus, and activities.

In addition to answering these arguments of the proponents, the opponents of the separate system advance a number of objections. They contend that under a separate system members of boards of education must be elected, otherwise direct accountability is destroyed. Even the advocates of the separate system agree with

this. But the opponents raise the point that better school commissioners can be obtained under the appointive than under the elective system. They also assert that, if elected under the party system, partisan politics is likely to be injected into the public schools, and if under the non-partisan system, educational politics runs rampant. It is a choice between two evils, with many favoring partisan elections for the reason that political parties can be held responsible for the personnel of the school board, while under the non-partisan plan "educational politicians" are so elusive that responsibility cannot be fixed. In its reply to the New York State Library the Board of Education of Houston, Tex., says: "In our city it is better for the school board members to be appointed, than elected."

Unnecessary duplication of administrative expenses and capital outlay resulting from duplication of services rendered and buildings required is another objection raised. If the schools are administered by an independent governmental agency, they point out that the legal, engineering, health, purchasing, tax collection, maintenance of public buildings, auditing, recreation and welfare work either must be performed by officials in the employ of the department of education who would thus be duplicating services performed by similar officials in the employ of the city government, and serving the same constituency, or city officials performing these municipal duties must act as an agency of the department of education, in which event the city should be reimbursed for the services it renders to a separate governmental agency. To determine the fair value of such services would be a difficult task. The inter-re-

lation of health work, libraries, playgrounds, and recreation activities is also raised as an argument in favor of a closer relationship between city and school authorities. Separation of these agencies brings with it the danger of duplication in management and, therefore, increased administrative cost.

Regarding the unnecessary expense under the separate system, due to the partial use of expensive and extensive plants, the report of the New York State Special Committee on Taxation and Retrenchment says: "The greater tendency of municipalities to provide public baths and swimming pools, community houses, recreation centers, clinics, and other social institutions, most of which can be combined with the school buildings, has made possible and desirable a more extended use of the school plant than is possible under the sole direction of the board of education. It is merely another case of planning that will make room for all of the city's needs, and of substituting a broader control for control by a single department. Where absolute separation exists, tremendous waste is inevitable."

The force of this statement may be appreciated by a review of the conditions in the average American municipality. School buildings costing hundreds of thousands of dollars to construct and thousands of dollars annually to maintain are occupied only six or seven hours a day, five days a week and from nine to ten months a year. At the same time public needs require, and the public demands, recreation centers, community centers, bath houses, polling places and many other activities, all of which could be housed in school buildings and operated without interfering with the education of the

children. It is because of this duplication of expense resulting from the separate system, that the Mayor of Salt Lake City, Utah, favors combining the school system with that of the city government, "principally because such arrangement saves a duplication of many of the functions and much of the offices; also because under the separate system we have here, the board of education, serving at a nominal salary, regards the school works as a side issue and cannot give it its personal attention. The result of this system is that the school board is not really in charge of the schools, except in such matters as the superintendent, an appointive official, finds necessary to refer to it. On the other hand, the city commission devotes all its time to public business and is in direct personal charge of all city departments. If the school board could be so remunerated as to keep it constantly attending to school business, the last objection would be removed and the school system would be responsive to the will of the people, which is not now the case."

A vital defect in the separate plan which its opponents always point to is the concentration of power in an unsalaried body to appropriate, raise and expend public funds and to audit the bills which it contracts. This system, unless there are adequate checks, encourages extravagance rather than sound and economical administration, whether it be for education or for any other community service. It is aggravated, the opponents of the separate system assert, by the prevailing working methods of boards of education, which are usually unsalaried or nominally paid. These are summarized by the New York State Legislative Committee

as follows: "In many communities such boards meet but once a month, and, in the interim the superintendent carries on the administration of the school. The inevitable result of this system is to place it within the power of the superintendent of schools, or of the clerk of the board, to dominate the decisions of the board. He can inform them or withhold information at his discretion, he can lead them to such decisions as he may desire, and since the entire current audit of educational expenses is in almost all cases in the hands of the department of education, he can disburse the school appropriations in utter disregard of the budget."

The advantages and disadvantages of the separate system as advanced by those who have studied the problem may be summarized as follows:

Advantages:

It keeps the schools out of politics.

Education is a state and not a municipal function.

It abolishes competition with other municipal activities by eliminating consideration of school expenditures in conjunction with expenditures for other municipal functions.

If boards of education are elected, accountability to the people is direct.

It concentrates power and responsibility for the administration of the public school system.

Disadvantages:

It injects either partisan or "education" politics into school systems if the board is elected.

It divides power and responsibility and destroys direct accountability if boards of education are appointed.

It necessitates duplication of administrative expense and capital outlay.

It prohibits the necessary inter-relation of community activities and increases danger of duplication in management of these activities.

It continues the tremendous waste resulting from the partial use of expensive and extensive plants.

It centralizes in an unpaid or nominally paid board the power to appropriate and expend public funds and audit its own bills.

It eliminates the possibility of a review of school budgets by those who do not spend the school money.

The system is not conducive to sound and economical administration.

It hampers governmental plans and makes impossible the review of school budgets in comparison with the budgets for all other city services and the determination of school appropriations in comparison with the appropriation need of the public for governmental services and their willingness and ability to pay.

In many cities where the system is closely related to the city government but not absolutely under the financial control and management of the administration, there is such a division of power that responsibility is not accurately placed and accountability cannot be enforced. The relations between the city administration and school authorities in these cities are very unsatisfactory. This diffusion of power and responsibility is uni-

versally recognized as fundamentally unsound and unworkable. The educational authorities in such cities are striving for the establishment of the separate system and the city officials are protesting against the decentralization of power and responsibility. There is a division of opinion, however, among city officials about the system that will produce the most effective control and efficient management.

The six largest cities of New York State present an excellent illustration of the difficulties of this situation. The control and management of the public schools in these cities are vested in boards of education, the members of which are appointed by the mayors and have overlapping terms. The power of removal, however, is denied the chief executive. Final authority to fix the school budget, with the exception of salaries,* which amount to about eighty per cent of the total, is vested in boards of estimate and apportionment, except in New York City and Buffalo. In the latter city, which has the commission type of government, the commission is the appropriating body. In New York City, the board of estimate and apportionment fixes the appropriations in excess of an amount equal to 4.9 mills of the city's assessed valuation. The school taxes are levied by the city just as city taxes are levied, and collected in the same way and at the same time. The borrowing power of these cities is limited by the State Constitution to ten per cent of the assessed valuation of the taxable real estate. The Constitution also limits the amount of money that each of these cities may raise by tax in any one year for municipal purposes. Bonds for school pur-

*See footnote p. 197.

poses are issued on the faith and credit of the cities, and, therefore, are included within the limitation on the city's borrowing capacity. School appropriations are a part of the city tax levy and, therefore, count against the city's tax limitations. City authorities have no control over educational or pedagogic matters.

It will thus be seen that the city administrations have no control over a large percentage of the school budgets; that they are held accountable by the people for the entire tax burden, which includes the school tax, and for any increase in the tax levy, and that boards of education are in effect directly accountable to no one locally, as their tenure of office is fixed by law and the appointing powers have no authority to remove them. The result is that the responsibility for tax burdens is placed on one group of officials which has no control whatsoever over a large part of that burden and therefore has inadequate power to make that responsibility effective. Commenting on this unsound and unfair relation, former Mayor Charles A. Simon* of Schenectady says: "I do not think that any man should be made responsible for an act that is beyond his control. At the present time, the board of education has more power than the man who appoints it." Mayor John F. Hylan† of New York expressed this opinion: "While it may be proper, in view of the fact that education is contended to be a state function, for the State to prescribe a minimum appropriation based on the assessed valuation in the community, yet the decision as to the

*From testimony taken by Special Joint Committee on Taxation and Retrenchment of the New York State Legislature.

†Ibid.

specific purposes for which each and every part of the appropriation is to be used and the control over the manner of the expenditure should remain with the local authorities who are required to raise the money by taxation."

The unsatisfactory relations between school and city authorities in these municipalities have been further aggravated by the Constitutional provisions respecting borrowing and taxing powers. These limitations, which either have been reached or are being rapidly approached in nearly every municipality, have created keen rivalry between city departments and education authorities for their share of the current revenues and bonds. Mandatory state laws and recognition by city authorities of the fact that education is absolutely essential have, however, made it easier for boards of education to obtain greater increases in appropriations than city departments. The result has been that in some of these cities the increasing demands for school purposes have necessitated curtailment in some of the municipal activities.

It will thus be seen that the various systems of control and management of public schools in American cities have their advantages and defects. Final decision as to a better system should be reserved until unprejudiced consideration has been given the taxpayers' viewpoint, and that of the educational and city authorities and the general good of the community. All consideration of systems must be balanced within the possibilities of Constitutional provisions relating to education, taxing and borrowing powers of cities, local conditions and the plan of government.

If the separate system is adopted, boards of education should be elected. Effective checks on appropriations, expenditures and borrowing are necessary, and an independent current audit should be provided. The same authority which is made responsible for the school tax levy should also be made responsible for the school budget. To prevent duplication of services in the same community and to effect economy in the administration of city activities and the public schools, the city's administrative machinery should be utilized wherever possible by the school authorities, and for such service as is rendered, the city should be adequately compensated. If the collection of taxes is delegated under this plan to the city, there should either be a separate tax bill or the school tax should not be collected at the same time as is the city tax, in order to prevent a confusion of responsibility for the school tax itself. There should also be put into effect a coöperative plan for the carrying on of such community services as the city needs and for which public school buildings can be used.

If the school system is to be controlled and managed absolutely by the city administration, power and responsibility must be centralized and accountability made direct. The type of city government should be simple. The school system should be sufficiently safeguarded against "the whims of politicans and the vagaries of a political system," as the Mayor of Trenton has advised.

Should absolute control over matters educational and pedagogic be given to boards of education, and the control of appropriations and bonding and the management of the school plant to city administrations, a clear line of demarcation must be established between the

powers of the two agencies, and the responsibility for the proper education of the children and the efficient operation of the system must be definitely fixed.

To comply with all of these requirements is not an easy task. It is exceedingly difficult to devise an effective check on a body to which is delegated power to appropriate, levy and expend school funds; to prevent the duplication of services rendered and the partial use of school plants where two separate agencies are operating; to prevent politics in, and the politicians from using, the school system for selfish purposes under the combined system; to define clearly and definitely what are matters strictly pedagogic and under the control of the school board; and to fix accurately the responsibility for the success or failure of an educational system when the appropriations and expenditures for a system which is under the control of one body, are controlled by another governmental agency.

In most American cities, the system of school management, by its very nature, encourages extravagance rather than sound and economical administration, and the relations between school and city authorities, where they serve the same constituency, are not satisfactory. Those cities in which power is separated from responsibility in school management have an inherently extravagant form of administrative organization. When the public schools are administered independently of the city government, there is necessarily a waste of public funds resulting from an unnecessary duplication of services and other causes. Although the Mayor of Omaha, Neb., is certain that the separate system meets with the approval of the citizens of his city, he says: "It is pos-

sible that by reason of the independence of the school board, our tax levy may be higher than if the city council controlled its finances. It is probably always true that where different bodies have to do with portions of the tax levy, each independent of the other, the sum total of the levy exceeds what it would be if one body had to make up the entire tax budget."

The school authorities' slogan "keep the schools out of politics" is to be feared no more than the cry of their opponents "keep educational politics out of the schools." Politics of any kind, partisan or educational, must be divorced from school administration. Public schools are operated for the benefit of the children; not for educators or politicians. We too often lose this viewpoint.

In those states whose Constitutions make education a state function, the relation between the state and its cities should be such as to make each local school system democratic, efficient and economical. This can be accomplished by having the state prescribe and enforce minimum educational standards to be maintained by each locality. How these standards can best be reached and maintained should be left entirely to locally selected authorities.

The proper management and effective control of public schools in American municipalities is a complex and perplexing problem, but it is not an unsolvable one. As the administration of city affairs becomes more and more efficient as a result of simplified, centralized and responsible governmental organization and the application of sound business principles, the solution will become easier. When public school systems

were first established, the organization of city government was decentralized. Health, police, and fire work, now an important part of city government, were then as disassociated as education now is. Public opinion will eventually force the application of the same principles to the administrations of city school systems that result in the efficient management of other community services in our municipalities.*

As municipal government increases in efficiency under consolidation and simplification, the education system will pass from complete separation, through the various stages of coördination, to complete consolidation with the city administration which will act as an agency of the state, as it now does for other matters of state concern.

*"I find you have written a very complete and instructive analysis of the existing situation, and I march right into your conclusions. I have never yet been able to see the necessity nor even the desirability of complete financial independence for school boards, nor in this state any possibility of achieving such independence by legislative enactment. The argument based on the genesis of the school district, the conditions in union free school districts and small cities, forgets that, in the larger cities, the school administration must be integrated with equally important civic functions and all subjected to the two per cent tax limit. There is no honest and effective way to financial independence except through a prior removal from the Constitution of the two per cent tax limit. Even if we are ready for that Constitutional amendment, is it necessary then to condemn the general city administration to a kind of limbo of corruption or irresponsibility, wherein it is unfit to advise on what is after all the joint family expense of school bills? The whole contention seems to me to grow out of a general neglect of our individual duties under existing laws, the negligent spirit that comes clamoring to the legislature for new laws to cure our neglect or evasion of existing laws. In this case it seems a neglect of the primal civic duty of getting along amicably together."—Assemblyman Eberly Hutchinson, Special Joint Committee on Education, New York State Legislature.

CHAPTER XIII

JUDGING THE EFFICIENCY OF GOVERNMENT

CONFUSION OF TERMS—COMPARING COST DATA—IMPORTANCE OF CORRECT FACT BASIS—COMPARING TAX RATES AND TOTAL AND PER CAPITA APPROPRIATIONS AND EXPENDITURES—VALUE OF UNIT COST—STANDARD UNITS—BUDGETS AND ACCOUNTING SYSTEMS—COST VERSUS SERVICE

No civic undertaking is ventured by more people than that of judging the efficiency and economy of municipal service. This is so because every resident of a city is a beneficiary and a contributor, directly or indirectly, to the support of municipal service, and therefore, has a personal interest in its quality, quantity and cost. Yet there is no other citizen activity which offers more pitfalls for the untrained, and which produces more controverted and unsatisfactory results. It is, therefore, important to citizen and official as well as beneficial to the service, that those who are served should know how to avoid these errors when establishing a fact basis for their opinions and conclusions. Without this knowledge, misunderstanding and suspicion are probable, and fair judgment impossible.

One practice that is more responsible than any other for warping our judgment about municipal government

is that of confusing efficiency and economy. A campaign promise of economy is too often interpreted to mean a pledge of proficient service. A city administration that spends less public funds than another is often regarded by many citizens as being the more capable. That may or may not be true. Cheapness in government is not a criterion of good government.

A city administration may be economical and not efficient. Economy may even hamper or destroy efficiency. An administration may lessen the cost of fire fighting by reducing the number of firemen, but, if by so doing the fire losses increase, its fire protection service becomes less efficient. To be capable an administration or official must produce maximum results at the minimum cost. Efficiency and economy are, therefore, not synonymous; neither are they antonymic. They are constantly acting upon each other, but they are in root and essence different. They must go together. The City Managers' Association in its *Fifth Year-Book* says: "Government cannot be measured by the tax rate. Efficiency may allow reduced taxes; it may demand increased taxes; it may even dictate a deficit in emergency, rather than endanger public safety."

There is also a tendency to confuse economy and retrenchment, which is another term now frequently used when discussing the merit of government. Governmental economy means elimination of waste and the frugal expenditure of public funds for community services. Retrenchment, when used in connection with government, implies reduction of expenses by curtailment of community service. If an administration reduces the cost of government by giving the same service at a less

expense, or even by eliminating an activity which does not produce any benefit, it economizes. If it reduces the tax burden, either by eliminating or by curtailing one or more city activities regardless of the benefits produced, it retrenches. Economy increases the value of the tax dollar either by reducing costs without reducing service or by increasing service without increasing cost; retrenchment curtails both cost and service. Economy depends upon the capability of public servants; retrenchment is usually controlled by the desires of those served. The promises of candidates for public office, the endeavors of officials and the demands by the public are very often misinterpreted and misunderstood because of the careless use of these terms.

The most common method of judging the efficiency and economy of municipal government is to compare its cost in one city with that in another. The bases for this kind of a comparison are the tax rates and the total and per capita appropriations and expenditures. Unless he includes in his fact basis the quality and quantity of the services rendered in the communities being compared, the person who uses either of these bases is unfair to the city and its administration and is deceiving himself and all who agree with his conclusions.

If the quality and quantity of municipal service in the communities are about the same, but the per capita costs differ, then he has a fact basis for demanding economy and more efficiency. If, however, one city is receiving more and better service and is paying more than the other city there is no fact basis for an allegation of extravagance or waste, unless the difference in cost is

out of proportion to the difference in benefits. When comparisons of this kind are made, costs and service must be considered together. When either is eliminated, the fact basis is faulty and the conclusions will be inaccurate.

To use tax rates as a fact basis for comparing either efficiency or economy or both in government is misleading for several reasons, even though service is included. Although the tax rate of one city is $27.05 per $1,000 of assessed valuation and that of another is $23.84, it does not necessarily follow that the people in the latter city are enjoying a more efficient and economical administration of their public affairs than those in the former community. The fact is that the property in the first city was assessed at only sixty per cent of its true value and that in the second city at ninety-seven per cent of its true value. If the property in both had been assessed at true value or if that in the first had been assessed at the same percentage of true value as that in the second, the tax rate of the first municipality would be less than that of the second. As a matter of fact the taxpayers in the city with the higher tax rate paid less for the support of their government than those in the city with the lower tax rate. It is, therefore, impossible to use tax rates for the purpose of comparing the merits or economy of government in two or more cities, unless the percentage of true value at which the properties are assessed are the same, or, if they are not similar, are made a part of the fact basis.

But even when the real estate in cities is assessed on the same basis or allowances are made for different bases, tax rates may not tell the true story. And they

do not, more often than they do. Here is an illustration: The real estate in each of three cities is assessed at eighty per cent of true value. The tax rate of one is announced to be $27.90, of the other $32.80 and of the third $50.40. A comparison of these rates would indicate splendid campaign material for the city administration in the first municipality and for those seeking office in the third. And such a fact basis is often used in and out of municipal campaigns when governmental efficiency and economy are under discussion. An analysis of the levies upon which these rates were based, however, reveals a situation entirely different from that which the rates indicate.

The $27.90 rate includes the cost of all city departments and of city schools, but does not include the city's share of state and county expenses. In the $32.80 rate are included the cost of the city government and the city's share of state and county expenses, but not the cost of education, as the schools are maintained and operated independent of the city government and a separate school tax is levied. The third rate includes the expenses of the city government and public schools and the city's share of state and county expenses. The tax collection systems in these three cities are not the same, and do not make it possible for the average citizen to establish a basis for a correct comparison of their tax rates. In the first city, the city tax, which includes the school expenses, is collected at one time and the state and county tax at another. The city, state and county taxes in the second city are collected at one time by the city treasurer and the school tax is collected by the board of education in a school district whose

boundaries are not exactly coterminous with the city boundaries. In the third city, all taxes are collected at the same time and are included in the same levy.

What is regarded as a municipal purpose in one city may be the function of another governmental agency in another community. For example, in the first and third cities, education is a municipal function; in the second it is not, for obvious reasons. It must, therefore, be remembered that even though the quantity and quality of service and the percentage of true value at which real estate is being assessed may be similar, tax rates for comparative purposes are misleading when they either include or exclude expenses for different governmental functions. The manager of one city publicly boasted that his municipality had the most efficient and economical government in the state because it happened to have the lowest tax rate. When, however, it was pointed out to him and others that his was one of only three cities in the state assessing property at practically true value and also that all expenses for charitable work in his city were charged to the county and therefore were not included in the city tax levy, the inaccuracy of his claim was revealed and his boasting ceased.

Another method used to judge the efficiency and economy of municipal service is that of comparing the total or per capita cost of government in one city with that in another. Unless the cities are about equal in population, the per capita cost basis is preferable. However, extreme care must be exercised lest the fact basis established be such as to make the conclusion valueless. To point out some of the pitfalls and to illustrate how they may be avoided, the cost of govern-

ment in two New York State cities is used. The total cost of government of the first city is $1,296,876.12. The per capita cost is $31.08. The government of the second city is operated at a total cost of $1,015,074.22, or $26.82 per capita. A study of the detailed statement of expenditures reveals these facts: In the total cost of the government of the first city is $257,629.85 for education, which amounts to $6.42 per capita. The expenses for education are not included in the cost of government of the second city. We also find that the first city spent $78,780.89, or a per capita of $1.96, for the care of its poor in institutions, for playgrounds, and for new pavements and sewers. None of these items appears in the statement of expense for the second city, as the cost of institutional care is a county and not a city charge, the cost of all pavements and sewers is paid by the property owners abutting or benefited, and the city does not operate playgrounds. However, the second city spent and included in its total costs $97,538.83, or a per capita of $2.58, for the collection and disposal of its garbage and the operation of a sewage disposal plant, a public market and an electric light plant. None of these services is performed by the first city. To establish a correct basis for comparative purposes, it is, therefore, necessary to deduct the expenses for education, care of the poor, playgrounds, new pavements and sewers from the total expense of the first city, and the cost of the collection of garbage and the operation of the disposal plant, public markets and lighting plant from the total expense of the second city. When this is done we find that the taxpayers of the first city paid $960,465.38, or $22.70 per capita, and those of

the second city $917,535.39, or $24.24 per capita, for similar community services. A comparison of total and per capita expenditures before the analysis was made indicated that the government of the second city was less costly than that of the first, but when the expenses for services performed in only one city were eliminated from each, and a correct fact basis established, the results were reversed. This demonstrates that total and per capita costs are worthless for purposes of comparing the efficiency and economy of government unless detailed statements of the expenditures are available and are used to reduce municipal services to a comparable basis.

To use the total and per capita costs of activities, departments and bureaus is equally misleading. The per capita cost of health work in one city is forty-nine cents, in another city seventy-three cents and in a third $1.64. An analysis of the departmental expenditures shows an entirely different situation than that indicated by these total per capita costs. Fourteen per cent of the expenses credited to health work in the second city was spent for the capture and impounding of unlicensed dogs. In the two other cities, the city clerks' offices are credited with this expense, as they should be. In the health expenses of the third city is included the cost of collecting and disposing of the city garbage. This work is done, as it should be, by the departments of public works in the other cities.

In some municipalities, the cost of street sprinkling, oiling, cleaning, and lighting, repairing and resurfacing of pavements, construction of sewers, collection of garbage and ashes and other community services, is paid by

special assessment on the property benefited; in other cities it is made a general city charge and included in the tax levy. Unless these details are known and given proper consideration, it is misleading and unfair to use total or per capita costs for comparative purposes.

Unit costs are more reliable than total or per capita costs, but even these must be analyzed before one can be certain that a correct fact basis is being used. Annual reports of several municipal engineering bureaus give the unit cost of pavement and sewer construction. One report gives the cost of brick pavement as $1.39 per square yard, and another city, not more than fifty miles away from the first city, announces that it spent $3.29 a square yard for the same kind of pavement. One thing is certain—there was not actually all this difference in cost. It is evident that for some reason these figures are not comparable, that the thing which the second city calls paving is not the same as that to which the first city applied that name. An analysis of the cost data of the second city reveals that in addition to the pavement it included some grading, setting new curb, laying a drain, resetting man-hole heads, and a ten-year guarantee. It is experiences like this which caused A. Prescott Folwell to say at one of the meetings of the New York State city officials: "Endeavoring to compare things which are not comparable is worse than useless; it leads to mistaken conclusions. And this is especially the case when we do not realize that each of us is giving a different meaning to certain important terms used."

Unit costs will remain valueless or uncertain until standard units are adopted by all cities and cost data

are carefully kept. It is, therefore, evident that we need efficiency in the administration of our municipal affairs to make it possible for citizens as well as officials to determine with reasonable accuracy the efficiency of the public service rendered.

City budgets and departmental appropriations are used by many in their attempts to determine the merits of municipal administration. This method produces even more unsatisfactory results than any of the others, unless the person using it is familiar with the budget systems and departmental organizations of the cities whose appropriations are being scrutinized.

The budgets of very few cities contain appropriations for all municipal activities and duties performed. To illustrate, one budget recently examined did not contain any appropriations for elections and the care of the poor. When asked for an explanation, the city manager replied that these expenses are paid by the county and added to the city's share of the county tax. By so doing the officials reduced the city tax for which they were responsible, and increased the county tax for which they were not responsible. In the budget of another city, there appears no appropriation for street cleaning as the expense of this activity is paid by the county. There are also many cities which do not use all of their estimated revenues to reduce their tax levies. The balance is distributed during the year to make up deficits or to pay for activities for which no budget appropriation had been made. Most cities whose taxing powers are limited and which have reached or exceeded their limitations, resort to deficit financing. When such practices as these are resorted to, budgets do not accurately

show the total estimated costs of government. When tax limitation must be circumvented the budget contains only the amount the city is allowed to raise by tax, plus debt service which is usually excepted from the limitation. Bonds are issued for the balance necessary to operate the city activities. These practices and this camouflage of appropriations are quite prevalent, and make budgets valueless for comparative purposes.

All of these methods of judging the efficiency and economy of municipal administration will remain ineffective until cities reach an easily attainable level of proficiency in budget making, accounting and standardization of cost units. Budget and accounting systems must be made more uniform. Departmental organization must be simplified and unified. Cities must place upon a budget basis, and make a part of their annual budgets and financial statements, all of their revenues and expenditures of each and every fund and for all municipal functions, with the possible exception of assessments and capital funds. Provision must also be made to compel the effectiveness of budget control of financial operation.

When these necessary reforms are brought about, and property is assessed at as near to true value as possible, and when standard units for comparing municipal improvements are used, and cost data for the establishment of more comparable cost units are accurately kept; and when municipal functions and departmental organization shall have become more uniform, then and not until then shall we be able to establish a reasonably accurate fact basis for measuring municipal service, and for watching with more interest

and a keener appreciation of the many difficulties, the enlightened and increasingly hopeful struggle for better government by American cities.

Until these practices and regulations become effective, however, citizens must exercise their best judgment in determining whether or not their public servants are giving a dollar's worth of service and benefits for every tax dollar expended. Cost data, such as tax rates, total and per capita expenditures and appropriations will aid them, if the elements that enter into the various items are analyzed and like elements are compared. This process of formulating a correct fact basis is difficult without standardized reports and budgets, but it is possible. The quality and quantity of service, the variations in local conditions and especially new factors and changing conditions in urban life must also be determined and given the importance they deserve.

By emphasizing economy less and efficiency more, we shall more likely get out of government what we really want,—benefits at the minimum cost. Mounting costs of government from year to year are not necessarily a criterion of waste and extravagance. If there is a corresponding increase in service rendered, the value of the tax dollar remains the same. So long as we continue the prevalent practice of placing so much emphasis on the cost of government, and so little on its benefits, we are going to hamper municipal progress, and efficiency and economy efforts cannot and will not get the recognition they deserve.

CHAPTER XIV

THE FUTURE COST OF CITY GOVERNMENT

LIMITATIONS OF FUNDS AND SERVICE—CAUSES FOR GROWTH OF GOVERNMENTAL COSTS—INCREASES IN SALARIES—MORE AND BETTER SERVICE—NEW FACTORS AND CHANGING CONDITIONS—PUBLIC DEMANDS FOR REFINEMENTS—GROWTH OF AND CONGESTION IN CITIES—TAX LIMITATIONS—RETRENCHMENT—EFFICIENT ADMINISTRATION

Losses of revenue, abnormal economic conditions, important social and political changes, new factors in urban life and tax limitations have combined within the last few years to increase the cost of city government and to make the problem of financing municipal activities a serious one in most American cities. Curtailment of income has made necessary the development of new sources of revenue; abnormal and changed economic, social and political conditions have increased city expenditures, and tax limitations have forced either deficit financing or a curtailment of municipal activities. Although some of these factors will be removed when the world returns to a more normal condition than it has been since the beginning of the World's War, several of them have come to stay, and all of them will for some time continue to influence the cost of city government.

Municipal service a few years ago was limited only by the ambition and capacity of the city administration. A correct interpretation of the will of the people was practically all with which a city administration had to concern itself when considering the establishment of a new municipal function or the expansion of an existing activity. In most communities, this situation has changed. New or increased service is now largely dependent upon the ability of the administrations in most of our cities to increase the value of the tax dollar. The officials in these cities no longer ask, how much more community service shall be given? The query now is, how much can we render? The answer depends in cities whose taxing powers are limited on the amount of funds available; and when there are no legal limitations, on the ability and willingness of the taxpayer to pay the combined tax burden, including that of the nation and the state.

An analysis of the increase in the expenses of city government in the last decade brings to light the following important causes:

(1) Changing value of the dollar.

(2) Increases in salaries and low-paid wages of those in municipal service.

(3) Public demand for more and better community service.

(4) New factors and changing conditions in urban life.

(5) Public demand for more of the refinements of civilization.

(6) The growth of and congestion in our cities.

Cities, like individuals, have been and still are compelled to pay high prices for materials, food, and shelter. Increased municipal appropriations for many departments and bureaus will continue until these prices decline.

The high cost of living and competition with the demand for help in commercial and industrial lines during the war made it necessary for cities to increase salaries and wages. There undoubtedly will be some readjustment of these schedules, but it will be slower than that affecting commercial and industrial schedules and probably will never be so drastic. The belief is quite general that the salaries of public servants in the future, particularly those of teachers, firemen and policemen, will never again reach the level of those in effect before the war. The basis for this belief is that the public has been forced tardily to realize that their public servants were heretofore grossly underpaid, and that true economy cannot be looked for in gratuitous or poorly-paid service. "We have long violated and disregarded these elementary and self-evident rules in carrying on city government," says Hamilton,* "and we are reaping the most deplorable harvest of result." Whatever future reductions are effected in appropriations for personal service, except that regulated by the prevailing rate of wage, will probably come as a result of the standardization of work and salaries.

The demand by the public for better service is making it necessary for cities to engage more full-time and expert officials and employees. This is forcing them

*From *Government by Commission,* by John J. Hamilton. Used by permission of Funk & Wagnalls Co., publishers; copyright 1910.

not only to pay better salaries than heretofore, but also to increase the number of persons on their payrolls. We can no longer pay for public service with honor alone, nor demand the best that is in an official or employee and expect to receive it, if he is meagerly compensated. The competition for brains is too keen. The struggle for a livelihood is too strenuous. The experience which public service now requires and the demand on the time of persons who accept public office or enter public service have become too great. At the same time the public is more and more realizing the truth of Henry Bruère's* assertion that "no waste in government matches the waste involved in disregarding the asset of experience gained by employees in office at the expense of the public."

Higher standards of living, a better understanding of the cause of disease and crime, and a keener appreciation of the value of preventive work are responsible for a public desire and demand for more community service and for more of the refinements of civilization. This demand is one of the most potent factors in the growing cost of government. It is also the most difficult to regulate under a government for and by the people. The modern city is demanding more paved, better lighted and cleaner streets, more fire, police and health protection; rapid transit, public markets and other community services. Various groups of public-spirited citizens are constantly advocating and urging the city officials to provide parks, playgrounds, boulevards, Americanization work, military training,

*From *The New City Government*, by Henry Bruère. Used by permission of D. Appleton & Co., publishers; copyright 1912.

public nursing, various kinds of health clinics, hospitals, educational facilities, baths, public tennis courts and golf links, public laundries, recreation and community centers, medical inspection of school children and many other services which will make for the physical, mental, moral and social well-being of the community. The result is that the city is to-day doing all kinds of things now regarded as necessities which a few years ago were either done by individuals or not at all, and which were classed as fads. With cities, the same as with individuals, the luxuries of to-day become the necessities of to-morrow. All of these add to the comfort and enjoyment of the inhabitants, and some of them decrease the cost of service to the community as a whole, but they necessarily increase the tax burden.

New factors and changing conditions in our urban life have a more potent and subtle effect on local expenditures than many realize. To illustrate, let us examine how and in what degree some of these factors and conditions, such as the automobile, women's suffrage, prohibition, and shorter working hours are influencing the city tax rates.

The automobile is spreading urban population over a greater area than heretofore. It is taking many families from the thickly settled parts of cities to the outskirts. The persons making this change take with them the same high standards of living that they enjoyed in the central part of the community. They immediately want paved streets, sewers, water, lighting, police and fire protection and all the other ordinary and normal city improvements and conveniences. The

city must, therefore, increase its improvement fund and the cost of practically all its important services to meet these growing demands. This is greatly increasing the administrative expense and construction work in many cities.

The automobile truck is increasing the cost of construction and maintenance of city pavement. Until recently a four- or six-inch base under city pavements was sufficient. Now cities are being forced to provide six, eight, ten and even twelve-inch bases and a more durable surface to support the increasing volume of traffic and the heavy motor trucks.

The tremendous increase in the use of the motor vehicle both for pleasure and business, has brought with it the problems of traffic accommodation and regulation. The result is that cities have had to increase their police forces in order properly to regulate traffic and to make the highways safe for all kinds of traffic. The necessity for this service is shown by the fact that last year in the cities of New York State there were 39,075 accidents in which 22,371 persons were injured, and 945 persons killed. The figures for 1921 will be much larger.

The automobile has also brought with it the parking problem which is becoming more serious every year in many cities, especially the larger ones. Some are already providing parking places, other than spaces set aside in the public streets. It is believed by many that eventually the city will have to provide underground parking places or widen streets in order to give the increasing volume of traffic a chance to operate quickly and safely in the public highway. This will necessitate

not only constructing the underground places but also maintaining and operating them.

The regulatory work that the police departments have been relieved of as a result of prohibition has been more than offset by the time they are now forced to spend in running down automobile thieves and recovery of stolen cars. This new element in police work has made it necessary in most of the larger cities to create special bureaus which devote their entire time to the recovery of stolen automobiles. In the cities of New York State last year 7,005 automobiles were stolen, representing an approximate value of $7,000,000. Of these, 3,996 cars were recovered. These figures show conclusively how serious this problem has become and how important and comprehensive this work of the police department is.

Another cause for increased expenditures for which the automobile must be held responsible is the tendency to regard the motor vehicle, especially the delivery truck and omnibus, as an all-the-year-around necessity. As a result, all northern cities must now keep at least their main thoroughfares of traffic clear of snow. In some years this will be a very costly service.

Not only has woman suffrage greatly increased the cost of elections, but it is now beginning to have the same influence in city government everywhere that it has been responsible for in states which gave the vote to women before the amendment to the Federal Constitution became effective. In many of our municipalities, there has been in the last year or two a great impetus in welfare work, and all administrations are now doing more work for the purpose of better sani-

tary conditions, better care of the poor and sick, the improvement and increase of hospital facilities, child hygiene and many other welfare activities. The result is increased service and a resulting increase in taxes.

The direct effects of prohibition were to shift a portion of the cost of government from those who help pay the excise tax, to all taxpayers, and to increase the work of local administrations by adding the responsibility for enforcing prohibition laws. How much prohibition will eventually reduce governmental costs by lessening appropriations for charitable and correctional institutions is problematical. Some cities report that they are already experiencing a reduction in charitable and correctional work. However that may be, economies in that direction will probably never be sufficient to offset the combined loss of revenue and cost of enforcement. Several states have offset the loss of municipal revenue from the excise tax by providing for other forms of taxation. Some have imposed a personal income tax, the revenues from which are shared with the localities. Nevertheless, the enforcement of prohibition, especially in the smaller cities, is proving itself a problem far more complex and expensive than was the problem of liquor traffic regulation. Many cities are finding it necessary to increase their police forces, and the smaller ones to appropriate public funds for the employment of outside agencies to assist local enforcement officials in their efforts to stop "boot-legging," abolish "blind tigers" and prevent the illegal manufacture of liquors.

Prohibition is affecting municipal expenditures in indirect ways. The city eventually, in one way or

another, will have to help provide substitutes for the saloon. We are already beginning to realize the need for this. Prohibition is also raising the standard of living. This in turn is changing the attitude of the people toward government. They are beginning to insist that the standard of municipal service must keep pace with the standards of living. This, coupled with the women's influence and interest in government and the desire of those public-spirited citizens who served voluntarily in war activities to continue their services in other quasi-public channels has greatly increased and will continue to increase the demand, not only for new governmental functions, but also for higher standards of community service.

Decreased hours of labor in commerce and industry are affecting public expenditures in two ways. Municipal employees are demanding shorter working hours, especially firemen and policemen, and the added hours of leisure are making necessary new and increased recreational facilities, at least a part of which will have to be supplied by the city. The public need and demand for public parks, band concerts, community centers, and other recreational facilities and amusements will increase with the power of the people to enjoy them.

Comparison between the last federal census and those of 1910 and 1900 is sufficient to convince anyone that the growth of and congestion in American cities has been very rapid. During the last decade our eighteen largest cities increased in population from 10.2 per cent in Pittsburgh to 113.4 per cent in Detroit. Increase in population raises the cost of government

whether it be city, state or nation. This fact is indisputable. And the increase in cost is invariably greater than the growth of population. Functions of government, and particularly those of the city government, become more numerous, complex and costly. These functions are made necessary as premature methods, involving individual efforts, no longer serve the purpose, or as communities become congested. As a community grows, a municipal water system must supplant wells and cisterns; a sewerage system must take the place of out-houses and cesspools; volunteer fire fighting must give way to a paid fire department; pavements, which require cleaning, must take the place of dirt streets. Congestion brings with it the need for housing regulations, the proper collection and sanitary disposal of municipal wastes such as ashes, garbage, street litter, sewage and rubbish, and better health, police and fire protection. One by one services which were ordinarily performed by the householder when the community was small or uncongested must be surrendered to the city as it grows and its density of population increases.

How can this growth of municipal expenditures be halted? How can the municipal tax burden be reduced? These questions are asked with more frequency and the demand for an answer becomes more insistent as the tax burden grows heavier. And at the present time, they are demanding more than ordinary attention both of the citizenry and their public officials because of the combined high cost of living and government resulting from the war. Three remedies have been suggested. One is to increase efficiency in public

service, another to limit the taxing powers of cities and the third to retrench. All have been and are still being tried. But expenditures, generally are still going up.

Experience has conclusively demonstrated that tax limitations not only do not limit, but that they actually increase the cost of government. They may limit the taxes; they have not and cannot limit the expenditures for municipal purposes. They hamper municipal service, encourage unsound bonding, promote periodic expansions and extravagance, discourage careful budget preparation, increase the debt burden and decrease the borrowing power of the city.

Tax limits are provided by state Constitution and general laws in all except six states of the union and are of three types, those restricting tax levies to a certain rate on the assessed valuation, those restricting tax levies to a certain per cent of the last levy, and those which provide state administrative supervision of municipal tax rates. The result of the law in Ohio, where the limit is based on the assessed value, is deplorable. Cities are defaulting on their bonds, deliberately mishandling funds, accumulating immense floating debts, issuing bonds for purposes that should be financed from current revenues and crippling their necessary municipal services as a means of evading or observing the tax limitations. In the six largest cities in New York State which have a constitutional tax limitation based on the assessed valuation, these limits are hurdled and cast aside by a very simple process. When one of these cities has to go beyond its limitation, instead of money being raised in the current budget, bonds are issued. The result is that public

expenditures are not checked but are actually increased because of the added interest which the municipality must pay on the money it borrows. A study of the per capita cost of government in twelve New York State cities, six with and six without tax limits, showed that the tax limits did not result in more economical government. It proved the truth of the assertion that limitations force the increase of municipal debt and do not prevent expenditures but merely postpone the collection of the tax. Oregon abandoned the system of limiting tax levies on a percentage basis of the previous levy and is now experimenting with a state commission with power to determine certain local budgets and tax rates. State supervision of local tax rates is also being tried in Indiana. Both of these experiments are too recent to warrant any conclusions as to their effect.

The so-called legal tax limitations are a delusion and a snare. Whenever tried they have proven to be subversive of good government in practice. If municipal tax limits are high, they serve no useful purpose; if they are so low that they limit the power of a city to raise funds required to pay for those community services its citizens desire, they have one of three results, all equally vicious: the law is disobeyed, public service is crippled, or a deficit is created. The effect is dishonest, inefficient and bankrupt government. As Stewart F. Hancock* once told the city officials of New York State: "All the Constitutions and all the laws man can devise will not suffice to convince the

*1920 Proceedings of New York State Conference of Mayors and Other City Officials.

people of our cities that they are not entitled to as good government as they are willing to pay for."

The chief causes for waste and extravagance in municipal expenditures to-day, are inefficient public servants and the divisions of responsibility among too many public officials. The substitution of efficient public servants and methods of administering public affairs for incompetency in public office, however, is making progress in American cities. None of our political subdivisions is receiving the serious attention of so many experts and students of government that is being given the city. And the efforts of these experts and students are producing results by increasing the quality of service and reducing the cost thereof. There is still, however, ample opportunity for improvement.

Retrenchment is much more difficult in city government than in either the State or Federal governments for two reasons. It depends more directly on the public will, because municipal government is closer to the people than either of the others, and its activities more vitally affect their every-day life. Retrenchment in Federal or State government may be effected, and to a great extent is effected, by transferring activities to political subdivisions under their jurisdiction and making these subdivisions responsible for the cost. But cities, which are the foundation of government, cannot do this. They must continue the activity, or, if they eliminate it, the public loses the benefits. Retrenchment resulting from the elimination of inefficiency and ineffective governmental organizations is possible and necessary, and is being effected; but retrenchment resulting from curtailment or elimination of service is

not possible in a municipality, unless the people show a greater desire than they have heretofore evidenced for reducing community service.

Notwithstanding the continuing increase in taxes, municipal service, when compared with its benefits, is still the cheapest that a citizen receives. He cannot light his home for an amount equal to his per capita share of the cost which the city pays for lighting its streets. He would pay much more for the removal and proper disposal of his garbage, ashes and domestic waste than is his per capita share of the municipal cost of these services. The increase in the price he would pay for fire insurance, if the community provided no protection against fire, would amount to more than is his per capita share of the expenses of the fire department. The annual cost of operating a vacuum cleaner in the average home is more than the per capita cost of cleaning the streets of a city. Indeed, practically every service which the city renders, could not be obtained so cheaply by individual effort. Why is it then, that so many persons complain about the cost of government? One reason is that they do not appreciate its benefits, except when some important service has to be temporarily suspended. Another reason is that the tax burden is not equitably distributed, because of tax exemptions and the inefficient assessment of property. Cities are, however, adopting better assessment methods, but very little progress is being made, in the reduction of the staggering amount of exempt property.

Unless the people want municipal activities eliminated, and demand it, there will be, with growing population, changing conditions and increased com-

plexities of modern urban life, no material decreases in the cost of municipal government. Administrative economy, however, will be effected by the elimination of incompetency in public office, improved methods of administration and simplified, centralized organization, but not by attempts to limit tax levies. Yet for every dollar a city administration saves, as a result of efficiency or by economizing, there is a public or group demand for some new or increased city activity, the cost of which not only offsets the money saved, but actually increases the total annual expenditure. The time is coming when the objecting taxpayer will have the tables turned on him, and, instead of his asking how much the cost of government can be reduced, he will be asked whether or not he desires community service and the benefits of government curtailed. But city government must first be made efficient.

The prerequisites of good government for the modern city are (1) an efficient citizenship, (2) official capability and (3) an effective local constitution. Their working tools are education, information, true representation, responsible administration and a sound fact basis for thought and research. By education and the truthful presentation of municipal affairs, efficient citizenship and public service can be developed and a sound foundation can be laid for a correct understanding of and willing coöperation in the solution of community problems. When public officials act in harmony with the general will, based on education and information, there will be true representation. When elective agents are unhampered by a lack of, or diffusion of,

power and are kept responsible to the people, there will be responsible and efficient administration of public affairs. Sound judgment, intelligent thought and helpful research will result only when a correct fact basis is established and the value of government is measured by its benefits.

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